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Oceans and the law of the sea

Denmark, Iceland, India, Jamaica, Japan, Monaco, Netherlands, New Zealand, Norway and Trinidad and Tobago: draft resolution

Oceans and the law of the sea

The General Assembly,

Recalling its annual resolutions on the law of the sea and on oceans and the law of the sea, including resolution 67/78 of 11 December 2012, and other relevant resolutions concerning the United Nations Convention on the Law of the Sea (the Convention),[1]

Having considered the report of the Secretary-General,[2] the recommendations of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (the Ad Hoc Open-ended Informal Working Group)[3] and the reports on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (the Informal Consultative Process) at its fourteenth meeting,[4] on the twenty-third Meeting of States Parties to the Convention,[5] and on the work of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (the Regular Process),[6]

Recognizing the pre-eminent contribution provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and to the promotion of the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in the Charter of the United Nations, as well as to the sustainable development of the oceans and seas,

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[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.

[2] A/68/71.

[3] A/68/399, annex.

[4] A/68/159.

[5] SPLOS/263.

[6] See A/68/82 and A/68/82/Corr.1.

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Emphasizing the universal and unified character of the Convention, and reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[7]

Recognizing the important contribution of sustainable development and management of the resources and uses of the oceans and seas to the achievement of international development goals, including those contained in the United Nations Millennium Declaration,[8]

Noting with satisfaction that, in the outcome document of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, entitled "The future we want", as endorsed by the General Assembly in resolution 66/288 of 27 July 2012, States recognized that oceans, seas and coastal areas form an integrated and essential component of the Earth's ecosystem and are critical to sustaining it, and that international law, as reflected in the Convention, provides the legal framework for the conservation and sustainable use of the oceans and their resources, and stressed the importance of the conservation and sustainable use of the oceans and seas and of their resources for sustainable development, including through their contributions to poverty eradication, sustained economic growth, food security and creation of sustainable livelihoods and decent work, while at the same time protecting biodiversity and the marine environment and addressing the impacts of climate change,[9]

Reiterating the importance of oceans and seas for sustainable development, and noting, taking into account the different positions of Member States, that the eighth meeting of the Open Working Group on Sustainable Development Goals established by the General Assembly[10] will consider the issue of oceans and seas,

Recalling that, in "The future we want", States underscored that broad public participation and access to information and judicial and administrative proceedings were essential to the promotion of sustainable development and that sustainable development required the meaningful involvement and active participation of regional, national and subnational legislatures and judiciaries, and all major groups, and, in this regard, that they agreed to work more closely with major groups and other stakeholders and encouraged their active participation, as appropriate, in processes that contribute to decision-making, planning and implementation of policies and programmes for sustainable development at all levels,

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach, and reaffirming the need to improve cooperation and coordination at the national, regional and global levels, in accordance with the Convention, to support and supplement the efforts of each State in promoting the implementation and observance of the Convention, and the integrated management and sustainable development of the oceans and seas,

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[7] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[8] Resolution 55/2.

[9] Resolution 66/288, annex.

[10] Decision 67/555 of 22 January 2013.

Reiterating the essential need for cooperation, including through capacity-building and transfer of marine technology, to ensure that all States, especially developing countries, in particular the least developed countries and small island developing States, as well as coastal African States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Emphasizing the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, through cooperation programmes with Governments, to the development of national capacity in marine science and the sustainable management of the oceans and their resources,

Recalling that marine science is important for eradicating poverty, contributing to food security, conserving the world's marine environment and resources, helping to understand, predict and respond to natural events and promoting the sustainable development of the oceans and seas, by improving knowledge, through sustained research efforts and the evaluation of monitoring results, and applying such knowledge to management and decision-making,

Reiterating its deep concern at the serious adverse impacts on the marine environment and biodiversity, in particular on vulnerable marine ecosystems and their physical and biogenic structure, including coral reefs, cold water habitats, hydrothermal vents and seamounts, of certain human activities,

Emphasizing the need for the safe and environmentally sound recycling of ships,

Expressing deep concern at the adverse economic, social and environmental impacts of the physical alteration and destruction of marine habitats that may result from land-based and coastal development activities, in particular those land reclamation activities that are carried out in a manner that has a detrimental impact on the marine environment,

Reiterating its serious concern at the current and projected adverse effects of climate change and ocean acidification on the marine environment and marine biodiversity, and emphasizing the urgency of addressing these issues,

Expressing concern that climate change continues to increase the severity and incidence of coral bleaching throughout tropical seas and weakens the ability of reefs to withstand ocean acidification, which could have serious and irreversible negative effects on marine organisms, particularly corals, as well as to withstand other pressures, including overfishing and pollution,

Reiterating its deep concern at the vulnerability of the environment and the fragile ecosystems of the polar regions, including the Arctic Ocean and the Arctic ice cap, particularly affected by the projected adverse effects of climate change and ocean acidification,

Recognizing the need for a more integrated and ecosystem-based approach to, further study of and the promotion of measures for enhanced cooperation, coordination and collaboration relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction,

Recognizing also that the realization of the benefits of the Convention could be enhanced by international cooperation, technical assistance and advanced scientific knowledge, as well as by funding and capacity-building,

Recognizing further that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including the protection of vulnerable marine ecosystems, and the economics of the global shipping industry, and encouraging further efforts towards electronic charting, which not only provides significantly increased benefits for safe navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection, and noting that under the International Convention for the Safety of Life at Sea, 1974,[11] ships on international voyages are required to carry an electronic chart display information system, in accordance with the implementation schedule as set out in that Convention,

Recognizing that ocean data buoys deployed and operated in accordance with international law are critical for improving understanding of weather, climate and ecosystems, and that certain types of ocean data buoys contribute to saving lives by detecting tsunamis, and reiterating its serious concern at intentional and unintentional damage to such buoys,

Emphasizing that underwater archaeological, cultural and historical heritage, including shipwrecks and watercraft, holds essential information on the history of humankind and that such heritage is a resource that needs to be protected and preserved,

Noting with concern the continuing problem of transnational organized crime committed at sea, including illicit traffic in narcotic drugs and psychotropic substances, the smuggling of migrants and trafficking in persons, illicit trafficking in firearms and threats to maritime safety and security, including piracy, armed robbery at sea, smuggling and terrorist acts against shipping, offshore installations and other maritime interests, and noting the deplorable loss of life and adverse impact on international trade, energy security and the global economy resulting from such activities,

Recognizing that fibre-optic submarine cables transmit most of the world's data and communications and, hence, are vitally important to the global economy and the national security of all States, conscious that these cables are susceptible to intentional and accidental damage from shipping and other activities, and that the maintenance, including the repair, of these cables is important, noting that these matters have been brought to the attention of States at various workshops and seminars, and conscious of the need for States to adopt national laws and regulations to protect submarine cables and render their wilful damage or damage by culpable negligence punishable offences,

Noting the importance of the delineation of the outer limits of the continental shelf beyond 200 nautical miles and that it is in the broader interest of the international community that coastal States with a continental shelf beyond 200 nautical miles submit information on the outer limits of the continental shelf beyond

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[11] United Nations, *Treaty Series*, vol. 1184, No. 18961.

200 nautical miles to the Commission on the Limits of the Continental Shelf (the Commission), and welcoming the submissions to the Commission by a considerable number of States Parties on the outer limits of their continental shelf beyond 200 nautical miles, that the Commission has continued to fulfil its role, including of making recommendations to coastal States, and that the summaries of recommendations are being made publicly available,[12]

Noting also that many coastal States Parties have submitted preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles, as provided for in the decision of the eighteenth Meeting of States Parties to the Convention regarding the workload of the Commission and the ability of States, particularly developing States, to fulfil the requirements of article 4 of annex II to the Convention, as well as the decision contained in SPLOS/72, paragraph (a),[13]

Noting further that some coastal States may continue to face particular challenges in relation to preparing and presenting submissions to the Commission,

Noting that financial and technical assistance may be sought by developing countries for activities in relation to preparing and presenting submissions to the Commission, including through the voluntary trust fund established by General Assembly resolution 55/7 of 30 October 2000 for the purpose of facilitating the preparation of submissions to the Commission for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention, as well as other accessible international assistance,

Recognizing the importance of the trust funds established by resolution 55/7 in facilitating the participation of members of the Commission from developing States in the meetings of the Commission and in fulfilling the requirements of article 4 of annex II to the Convention, while noting with appreciation the recent contributions made to them,

Reaffirming the importance of the work of the Commission for coastal States and for the international community,

Recognizing that practical difficulties can arise when there is a considerable delay between the preparation of submissions and their consideration by the Commission, including in retaining expertise up to and during the consideration of the submissions by the Commission,

Recognizing also the significant workload of the Commission in view of the large number of submissions already received and a number of submissions yet to be received, which places additional demands and challenges on its members and the secretariat as provided by the Secretary-General of the United Nations through the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat (the Division), and welcoming the decision of the twenty-first Meeting of States Parties to the Convention regarding the workload of the Commission,[14]

Noting with concern the projected timetable of the work of the Commission on the submissions already received by it and those yet to be received,[15] and in this regard noting with appreciation the implementation of the decision of the Commission at its thirtieth session concerning the arrangements for its sessions and the meetings of its subcommissions, taking into account the decision of the twenty-first Meeting of States Parties to the Convention,[16]

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[12] Available from www.un.org/depts/los/index.htm.

[13] SPLOS/183.

[14] SPLOS/229.

[15] Available from www.un.org/depts/los/clcs_new/clcs_home.htm.

Recognizing the need to ensure that the Commission can perform its functions under the Convention expeditiously, efficiently and effectively, and maintain its high level of quality and expertise,

Noting in this regard the decision of the twenty-third Meeting of States Parties to establish an open-ended working group to consider the conditions of service of the members of the Commission on the Limits of the Continental Shelf,

Concerned about the implications of the workload of the Commission for the conditions of service of its members,

Recalling its decision, in resolutions 57/141 of 12 December 2002 and 58/240 of 23 December 2003, to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socioeconomic aspects, both current and foreseeable, building on existing regional assessments, as recommended by the World Summit on Sustainable Development,[17] and noting the need for cooperation among all States to this end,

Recalling also its decisions, in paragraphs 202, 203 and 209 of resolution 65/37 A of 7 December 2010, regarding the Regular Process, as established under the United Nations and accountable to the General Assembly,

Recalling further that the Division has been designated to provide secretariat support to the Regular Process, including its established institutions,

Recognizing the importance and the contribution of the work of the Informal Consultative Process established by General Assembly resolution 54/33 of 24 November 1999 to facilitate the annual review of developments in ocean affairs by the Assembly,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997, 54/33, 65/37 A, 65/37 B of 4 April 2011, 66/231 and 67/78, and in this context the substantial increase in activities of the Division, in particular in view of the growing number of requests to the Division for additional outputs and servicing of meetings, its increasing capacity-building activities, the need for enhanced support and assistance to the Commission and the role of the Division in inter-agency coordination and cooperation,

Reaffirming the importance of the work of the International Seabed Authority (the Authority) in accordance with the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (the Part XI Agreement),[18]

Reaffirming also the importance of the work of the International Tribunal for the Law of the Sea (the Tribunal) in accordance with the Convention,

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[16] See CLCS/76.

[17] See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[18] United Nations, *Treaty Series*, vol. 1836, No. 31364.

I

Implementation of the Convention and related agreements and instruments

1. *Reaffirms* its annual resolutions on the law of the sea and on oceans and the law of the sea, including resolution 67/78, and other relevant resolutions concerning the Convention;[1]

2. *Also reaffirms* the unified character of the Convention and the vital importance of preserving its integrity;

3. *Welcomes* the recent ratification of and accession to the Convention, and calls upon all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Part XI Agreement;[17]

4. *Calls upon* States that have not done so, in order to achieve the goal of universal participation, to become parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Fish Stocks Agreement);[19]

5. *Calls upon* States to harmonize their national legislation with the provisions of the Convention and, where applicable, relevant agreements and instruments, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention do not purport to exclude or to modify the legal effect of the provisions of the Convention in their application to the State concerned and to withdraw any such declarations or statements;

6. *Calls upon* States Parties to the Convention that have not yet done so to deposit with the Secretary-General charts or lists of geographical coordinates, as provided for in the Convention, preferably using the generally accepted and most recent geodetic datums;

7. *Urges* all States to cooperate, directly or through competent international bodies, in taking measures to protect and preserve objects of an archaeological and historical nature found at sea, in conformity with the Convention, and calls upon States to work together on such diverse challenges and opportunities as the appropriate relationship between salvage law and scientific management and conservation of underwater cultural heritage, increasing technological abilities to discover and reach underwater sites, looting and growing underwater tourism;

8. *Notes* the recent deposit of instruments of ratification and acceptance of the 2001 Convention on the Protection of the Underwater Cultural Heritage,[20] calls upon States that have not yet done so to consider becoming parties to that Convention, and notes in particular the rules annexed to that Convention, which address the relationship between salvage law and scientific principles of management, conservation and protection of underwater cultural heritage among Parties, their nationals and vessels flying their flag;

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[19] Ibid., vol. 2167, No. 37924.

[20] Ibid., vol. 2562, No. 45694.

II
Capacity-building

9. *Emphasizes* that capacity-building is essential to ensure that States, especially developing countries, in particular the least developed countries and small island developing States, as well as coastal African States, are able to fully implement the Convention, benefit from the sustainable development of the oceans and seas and participate fully in global and regional forums on ocean affairs and the law of the sea;

10. *Recalls*, in this regard, that in "The future we want",[9] States recognized the importance of building the capacity of developing countries to be able to benefit from the conservation and sustainable use of the oceans and seas and their resources, and in this regard emphasized the need for cooperation in marine scientific research to implement the provisions of the Convention and the outcomes of the major summits on sustainable development, as well as for the transfer of technology, taking into account the Criteria and Guidelines on the Transfer of Marine Technology adopted by the Assembly of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization at its twenty-second session, in 2003;[21]

11. *Emphasizes* the need for international cooperation for capacity-building, including cross-sectoral cooperation, at national, regional and global levels, to address, in particular, gaps in capacity-building in ocean affairs and the law of the sea, including marine science;

12. *Calls for* capacity-building initiatives to take into account the needs of developing countries, and calls upon States, international organizations and donor agencies to make efforts to ensure the sustainability of such initiatives;

13. *Calls upon* donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution, as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the interests and needs of landlocked developing States;

14. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including electronic charts, as well as the mobilization of resources and building of capacity with support from international financial institutions and the donor community;

15. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training personnel to develop and enhance relevant expertise, providing the necessary equipment, facilities and vessels and transferring environmentally sound technologies;

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[21] Intergovernmental Oceanographic Commission, document IOC/INF-1203.

16. *Also calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to strengthen capacity-building activities in developing countries, in particular least developed countries and small island developing States, to develop their maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to promote effective compliance with and implementation and enforcement of their responsibilities under international law;

17. *Further calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to develop capacity-building activities in and to transfer to developing countries, in particular least developed countries and small island developing States, on mutually agreed terms, and taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, environmentally sound technologies to study and minimize the impacts of ocean acidification;

18. *Emphasizes* the need to focus on strengthening South-South cooperation as an additional way to build capacity and as a cooperative mechanism to further enable countries to set their own priorities and needs;

19. *Recognizes* the importance of the work of the International Maritime Law Institute of the International Maritime Organization as a centre of education and training of Government legal advisers, mainly from developing States, confirms its effective capacity-building role in the field of international law, and urges States, intergovernmental organizations and financial institutions to make voluntary financial contributions to the budget of the Institute;

20. *Also recognizes* the importance of the World Maritime University of the International Maritime Organization, which this year celebrated its thirtieth anniversary, as a centre of excellence for maritime education and research, confirms its effective capacity-building role in the field of maritime transportation, policy, administration, management, safety, security and environmental protection, as well as its role in the international exchange and transfer of knowledge, and urges States, intergovernmental organizations and other bodies to make voluntary financial contributions to the University;

21. *Welcomes* ongoing activities for capacity-building so as to address maritime security and safety needs and the protection of the marine environment of developing States, and encourages States and international financial institutions to provide additional funding for capacity-building programmes, including for transfer of technology, including through the International Maritime Organization and other competent international organizations;

22. *Recognizes* the considerable need to provide sustained capacity-building assistance, including on financial and technical aspects, by relevant international organizations and donors to developing States, with a view to further strengthening their capacity to take effective measures against the multiple facets of international criminal activities at sea, in line with the relevant international instruments, including

the United Nations Convention against Transnational Organized Crime and the Protocols thereto;[22]

23. *Also recognizes* the need to build the capacity of developing States to raise awareness of and support the implementation of improved waste management practices, noting the particular vulnerability of small island developing States to the impact of marine pollution from land-based sources and marine debris;

24. *Further recognizes* the importance of assisting developing States, in particular the least developed countries and small island developing States, as well as coastal African States, in implementing the Convention, urges States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to the trust funds, as referred to in resolutions 55/7, 57/141 and 64/71 of 4 December 2009, established for this purpose, and expresses its appreciation to those that have contributed;

25. *Acknowledges* the importance of capacity-building for developing States, in particular the least developed countries and small island developing States, as well as coastal African States, for the protection of the marine environment and the conservation and sustainable use of marine resources;

26. *Recognizes* that promoting the voluntary transfer of technology is an essential aspect of building capacity in marine science;

27. *Encourages* States to use the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, and recalls the important role of the secretariat of that Commission in the implementation and promotion of the Criteria and Guidelines;

28. *Also encourages* States to consider additional opportunities for capacity-building at the regional level;

29. *Welcomes* in this regard the efforts by the Tribunal in holding regional workshops, including the latest workshop, on the role of the Tribunal in the settlement of disputes relating to the law of the sea in the Caribbean region, held in Mexico City on 5 and 6 June 2013 in collaboration with the Government of Mexico and the Association of Caribbean States;

30. *Notes with satisfaction* the efforts of the Division to compile information on capacity-building initiatives, requests the Secretary-General to continue to regularly update such information provided by States, international organizations and donor agencies and include it in his annual report to the General Assembly, invites States, international organizations and donor agencies to submit such information to the Secretary-General for this purpose, and requests the Division to post the information on capacity-building initiatives from the annual report of the Secretary-General on the website of the Division in an easily accessible manner so as to facilitate the matching of capacity-building needs with opportunities;

31. *Calls upon* States to continue to assist developing States, and especially the least developed countries and small island developing States, as well as coastal African States, at the bilateral and, where appropriate, multilateral levels, in the preparation of submissions to the Commission regarding the establishment of the

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[22] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

outer limits of the continental shelf beyond 200 nautical miles, including the assessment of the nature and extent of the continental shelf of a coastal State, and recalls that coastal States can make requests to the Commission for scientific and technical advice in the preparation of data for their submissions, in accordance with article 3 of annex II to the Convention;

32. *Calls upon* the Division to continue to disseminate information on relevant procedures related to the trust fund established for the purpose of facilitating the preparation of submissions to the Commission and to continue its dialogue with potential beneficiaries with a view to providing financial support to developing countries for activities to facilitate their submissions in accordance with the requirements of article 76 of the Convention and with the Rules of Procedure[23] and the Scientific and Technical Guidelines of the Commission;[24]

33. *Requests* the Secretary-General, in cooperation with States and relevant international organizations and institutions, to continue to support training and other activities to assist developing States in the preparation and presentation of their submissions to the Commission;

34. *Notes with appreciation* the contribution of the Division to capacity-building activities at the national and regional levels;

35. *Invites* Member States and others in a position to do so to support the capacity-building activities of the Division, including, in particular, the training and other activities to assist developing States in the preparation of their submissions to the Commission, also invites Member States and others in a position to do so to contribute to the trust fund established by the Secretary-General for the Office of Legal Affairs to support the promotion of international law, and expresses its appreciation to those who have contributed;

36. *Recognizes with appreciation* the important contribution to the capacity-building of developing countries and the promotion of the law of the sea made by the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, which was established by the General Assembly in 1981 in honour of the first President of the Third United Nations Conference on the Law of the Sea and which, relying on its network of 17 host institutions, has awarded to date 28 fellowships to individuals from 25 Member States, welcomes the fact that the twenty-sixth award, in 2013, will be made possible thanks to the generous contributions of Member States, urges Member States and others in a position to do so to contribute generously to the further development of the Fellowship, and acknowledges the provisions of its resolution on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law;[25]

37. *Also recognizes with appreciation* the important contribution of the United Nations-Nippon Foundation of Japan Fellowship Programme, which has awarded 100 fellowships to individuals from 64 Member States since 2004, to human resources development for developing Member States in the field of ocean affairs and the law of the sea and related disciplines, as well as the fostering of global interlinkages through the alumni programme, which held its fourth meeting

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[23] CLCS/40/Rev.1.

[24] CLCS/11 and Corr.1 and Add.1 and Add.1/Corr.1.

[25] Resolution 68/_____.

in December 2012 in New York and its fifth meeting, hosted by the Pacific Islands Forum Secretariat, in October 2013 in Fiji;

38. *Encourages* the competent international organizations, the United Nations Development Programme and international financial institutions and funds to consider expanding their programmes within their respective fields of competence for assistance to developing countries and to coordinate their efforts, and recognizes the funding set aside by the Global Environment Facility as well as other funds allocated for projects relating to oceans;

III
Meeting of States Parties

39. *Welcomes* the report on the twenty-third Meeting of States Parties to the Convention,[5] also welcomes the election of one member of the Commission from the Group of Eastern European States on 19 December 2012,[26] and further welcomes the decisions taken by the twenty-third Meeting;

40. *Requests* the Secretary-General to convene the twenty-fourth Meeting of States Parties to the Convention, in New York from 9 to 13 June 2014, and to provide full conference services, including documentation, as required;

IV
Peaceful settlement of disputes

41. *Notes with satisfaction* the continued and significant contribution of the Tribunal to the settlement of disputes by peaceful means in accordance with Part XV of the Convention, and underlines the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Part XI Agreement;

42. *Pays tribute* to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

43. *Notes* that States parties to an international agreement related to the purposes of the Convention may submit to, inter alia, the Tribunal or the International Court of Justice any dispute concerning the interpretation or application of that agreement submitted in accordance with that agreement, and also notes the possibility, provided for in the Statutes of the Tribunal and the Court, to submit disputes to a chamber;

44. *Encourages* States Parties to the Convention that have not yet done so to consider making a written declaration, choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Part XI Agreement, bearing in mind the comprehensive character of the dispute settlement mechanism provided for in Part XV of the Convention;

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[26] SPLOS/255.

V
The Area

45. *Reiterates* the importance of the ongoing elaboration by the Authority, pursuant to article 145 of the Convention, of rules, regulations and procedures to ensure the effective protection of the marine environment, for, inter alia, the protection and conservation of the natural resources of the Area, and for the prevention of damage to the flora and fauna of the marine environment from harmful effects that may arise from activities in the Area;

46. *Notes* the decision taken at the nineteenth session of the Authority[27] to approve amendments to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area;

47. *Notes* the increase in the number of contracts with the Authority for exploration for polymetallic nodules and polymetallic sulphides, and also notes the attention being given by the Council to the drafting of a mining code;

48. *Notes* the approval of the first two applications for a plan of work for exploration for cobalt-rich ferromanganese crusts in the Area;[28]

49. *Recalls* the relevance of the advisory opinion on the responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area, issued by the Seabed Disputes Chamber of the Tribunal on 1 February 2011;[29]

50. *Notes* the importance of the responsibilities entrusted to the Authority by articles 143 and 145 of the Convention, which refer to marine scientific research and protection of the marine environment, respectively;

51. *Recalls* that the environmental management plan for the Clarion-Clipperton Zone, including the designation, on a provisional basis, of a network of areas of particular environmental interest, was approved in 2012, to be implemented over an initial three-year period so that it may be improved as more scientific, technical and environmental baseline and resource assessment data become available and that, for that purpose, the conduct of marine scientific research in those areas and the supply of available results to the Authority was encouraged,[30] and invites the Authority to consider developing and approving environmental management plans in other international seabed area zones, in particular where there are currently exploration contracts;

VI
Effective functioning of the Authority and the Tribunal

52. *Commends* the progress in the work of the Authority;

53. *Also commends* the work of the Tribunal since its establishment;

54. *Appeals* to all States Parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time, and also appeals to States Parties in arrears with their contributions to fulfil their obligations without delay;

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[27] ISBA/19/A/9.

[28] ISBA/19/C/13 and ISBA/19/C/15.

[29] ISBA/17/A/9.

[30] ISBA/18/C/22.

55. *Notes* the decision[31] taken at the nineteenth session of the Authority concerning overhead charges for the administration and supervision of exploration contracts;

56. *Expresses concern* about the low attendance at the annual sessions of the Assembly of the Authority, noting also the concerns expressed with regard to the scheduling of annual sessions of the Authority, and taking into consideration the great strides made by the Authority in adopting regulations for the prospecting and exploration of minerals in the Area, and invites the Authority to consider measures to improve the attendance at its annual sessions, including the holding of the sessions at an earlier time;

57. *Recalls* that the next annual session of the Authority will mark the twentieth anniversary of the establishment of the Authority, and urges the full membership of the Authority to attend the commemorative session to be held in Kingston from 7 to 25 July 2014;

58. *Notes* the international workshop on the implementation of article 82 of the Convention convened by the International Seabed Authority in collaboration with the China Institute for Marine Affairs in Beijing from 26 to 30 November 2012, and encourages in this regard the further study of the issues connected to the implementation of article 82;

59. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[32] and to the Protocol on the Privileges and Immunities of the Authority;[33]

60. *Emphasizes* the importance of the Tribunal's rules and staff regulations in promoting the recruitment of a geographically representative staff in the Professional and higher categories, and welcomes the actions taken by the Tribunal in observance of those rules and regulations;

VII

The continental shelf and the work of the Commission

61. *Recalls* that, in accordance with article 76, paragraph 8, of the Convention, information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be submitted by the coastal State to the Commission set up under annex II to the Convention on the basis of equitable geographical representation, that the Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf, and that the limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding;

62. *Also recalls* that, in accordance with article 77, paragraph 3, of the Convention, the rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation;

63. *Notes with satisfaction* that a considerable number of States Parties to the Convention have submitted information to the Commission regarding the

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[31] ISBA/19/C/16 and ISBA/19/A/12.

[32] United Nations, *Treaty Series*, vol. 2167, No. 37925.

[33] Ibid., vol. 2214, No. 39357.

establishment of the outer limits of the continental shelf beyond 200 nautical miles, in conformity with article 76 of the Convention and article 4 of annex II to the Convention, taking into account the decision of the eleventh Meeting of States Parties to the Convention contained in SPLOS/72, paragraph (*a*);

64. *Also notes with satisfaction* that a considerable number of States Parties to the Convention have submitted to the Secretary-General, pursuant to the decision of the eighteenth Meeting of States Parties to the Convention,[34] preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles and a description of the status of preparation and intended date of submission in accordance with the requirements of article 76 of the Convention and with the Rules of Procedure and the Scientific and Technical Guidelines of the Commission, and notes with satisfaction that additional submissions referred to in preliminary information have been filed with the Commission;

65. *Further notes with satisfaction* the progress in the work of the Commission[35] and that it is giving current consideration to a number of submissions that have been made regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles;

66. *Notes with satisfaction* that the Commission, taking into account the decision of the eighteenth Meeting of States Parties to the Convention,[36] has compiled lists of websites of organizations, data/information portals and data holders where general information and publicly available scientific and technical data can be accessed that may be relevant to the preparation of submissions, and has made this information available on its website;

67. *Takes note* of the 18 recommendations made by the Commission on the submissions of a number of coastal States, and welcomes the fact that summaries of recommendations are being made publicly available in accordance with part V, paragraph 11.3, of annex III to the Rules of Procedure of the Commission;[37]

68. *Notes* that the consideration by the Commission of submissions by coastal States in accordance with article 76 of and annex II to the Convention is without prejudice to the application of other parts of the Convention by States Parties;

69. *Also notes* the considerable number of submissions yet to be considered by the Commission and the demands that this places on its members and the secretariat as provided by the Division, and emphasizes the need to ensure that the Commission can perform its functions expeditiously, efficiently and effectively and maintain its high level of quality and expertise;

70. *Takes note with appreciation* of the decision of the Commission at its thirty-second session regarding the workload of the Commission, including to continue to extend the duration of its sessions for 2014 to three sessions of seven weeks each, including plenary meetings, and further notes the decision of the

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[34] SPLOS/183, para. 1 (*a*).

[35] See CLCS/74 and CLCS/76.

[36] SPLOS/183, para. 3.

[37] CLCS/40/Rev.1.

Commission at its thirty-second session to establish new subcommissions so that nine subcommissions would actively consider submissions;[38]

71. *Reiterates* the obligation of States under the Convention, whose experts are serving on the Commission, to defray the expenses of the experts they have nominated while in performance of Commission duties;

72. *Urges*, in this regard, States to provide medical coverage for the experts they have nominated while in performance of Commission duties and to do their utmost to ensure the full participation of those experts in the work of the Commission, including the meetings of subcommissions, in accordance with the Convention;

73. *Requests* the Secretary-General to continue to take appropriate measures, within overall existing resource levels, to further strengthen the capacity of the Division, serving as the secretariat of the Commission, in order to ensure enhanced support and assistance to the Commission and its subcommissions in their consideration of submissions, as required by paragraph 9 of annex III to the Rules of Procedure of the Commission, in particular its human resources, taking into account the need for simultaneous work on several submissions;

74. *Urges* the Secretary-General to continue to provide all necessary secretariat services to the Commission in accordance with article 2, paragraph 5, of annex II to the Convention;

75. *Requests* the Secretary-General to take appropriate and timely measures to ensure secretariat services for the Commission and its subcommissions for the extended duration of time requested in the decision of the twenty-first Meeting of States Parties to the Convention;[14]

76. *Also requests* the Secretary-General, consequently, to continue to allocate appropriate and sufficient resources to the Division to provide adequate services and assistance to the Commission in view of the increase in the number of its working weeks;

77. *Expresses its appreciation* to States that have made contributions to the voluntary trust fund established by resolution 55/7 for the purpose of facilitating the preparation of submissions to the Commission and to the voluntary trust fund also established by that resolution for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission, encourages States to make additional contributions to these funds, and authorizes the use, as appropriate, of the latter trust fund, and in accordance with the purpose of its terms of reference, to defray the cost of the participation of the Chair of the Commission who is a member of the Commission nominated by a developing country in the Meetings of States Parties;

78. *Requests* the Secretary-General to explore options for providing medical insurance coverage to members of the Commission from developing States, whose participation may be facilitated through the voluntary trust fund for the participation of the members of the Commission from developing States in the meetings of the Commission, while in performance of Commission duties at United Nations

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[38] CLCS/80.

Headquarters, and to circulate his findings to Member States in advance of the twenty-fourth Meeting of States Parties to the Convention;

79. *Approves* the convening by the Secretary-General of the thirty-fourth, thirty-fifth and thirty-sixth sessions of the Commission, in New York, from 27 January to 14 March 2014, from 21 July to 5 September 2014 and from 13 October to 28 November 2014, respectively, with full conference services, including documentation, for the plenary parts of these sessions,[39] as well as any resumed sessions as may be required by the Commission, and requests the Secretary-General to make every effort to meet these requirements within overall existing resources;

80. *Expresses its firm conviction* about the importance of the work of the Commission, carried out in accordance with the Convention, including with respect to the participation of coastal States in relevant proceedings concerning their submissions, and recognizes the continued need for active interaction between coastal States and the Commission;

81. *Expresses its appreciation* to States that have exchanged views in order to increase understanding of issues, including expenditures involved, arising from the application of article 76 of the Convention, thus facilitating the preparation of submissions by States, in particular developing States, to the Commission, and encourages States to continue exchanging views;

82. *Requests* the Secretary-General, in cooperation with Member States, to continue supporting workshops or symposiums on scientific and technical aspects of the establishment of the outer limits of the continental shelf beyond 200 nautical miles, taking into account the need to strengthen capacity-building for developing countries in preparing their submissions;

VIII

Maritime safety and security and flag State implementation

83. *Encourages* States to ratify or accede to international agreements addressing the safety and security of navigation, as well as maritime labour, and to adopt the necessary measures consistent with the Convention and other relevant international instruments aimed at implementing and enforcing the rules contained in those agreements, and emphasizes the need for capacity-building for and assistance to developing States;

84. *Recognizes* that the legal regimes governing maritime safety and maritime security may have common and mutually reinforcing objectives that may be interrelated and could benefit from synergies, and encourages States to take this into account in their implementation;

85. *Emphasizes* the need for further efforts to promote a culture of safety and security in the shipping industry and to address the shortage of adequately trained personnel, and urges the establishment of more centres to provide the required education and training;

86. *Also emphasizes* that safety and security measures should be implemented with minimal negative effects on seafarers and fishers, especially in relation to their

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[39] From 10 to 14 February, from 10 to 14 March, from 4 to 8 August and from 2 to 5 September 2014.

working conditions, and welcomes the ongoing cooperation between the Food and Agriculture Organization of the United Nations and the International Labour Organization on child labour in fisheries and aquaculture, particularly the publication in June 2013 of the Guidance on addressing child labour in fisheries and aquaculture,[40] as well as the work that has been conducted on the issue of trafficking in persons and forced labour on fishing vessels by the United Nations Office on Drugs and Crime and the International Labour Organization;

87. *Welcomes* the consideration by the committees of the International Maritime Organization of the fair treatment of seafarers;

88. *Welcomes* the entry into force on 1 January 2012, with a five-year transitional period until 1 January 2017, of the amendments adopted in Manila on 25 June 2010, otherwise known as the Manila amendments,[41] to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978,[42] as well as the entry into force on 29 September 2012 of the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995, and invites States that have not yet done so to ratify or accede to these Conventions;

89. *Also welcomes* the entry into force of the Maritime Labour Convention, 2006,[43] on 20 August 2013, invites States that have not yet done so to ratify or accede to that Convention, and also invites States that have not yet done so to ratify or accede to the Work in Fishing Convention, 2007 (No. 188) and the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185),[44] of the International Labour Organization and to effectively implement all of those Conventions, and emphasizes the need to provide to States, at their request, technical cooperation and assistance in that regard;

90. *Notes* the adoption on 11 October 2012 of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, and invites States that have not yet done so to ratify or accede to the Agreement;[45]

91. *Welcomes* ongoing cooperation between the Food and Agriculture Organization of the United Nations, the International Maritime Organization and the International Labour Organization relating to the safety of fishers and fishing vessels, underlines the urgent need for continued work in that area, and takes note of the approval by the three organizations of the Guidelines to Assist Competent Authorities in the Implementation of Part B of the Code of Safety for Fishermen and Fishing Vessels, the Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, and the Safety Recommendations for Decked Fishing Vessels of Less than 12 Metres in Length and Undecked Fishing Vessels;[46]

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[40] http://www.ilo.org/ipecinfo/product/download.do?type=document&id=22655.

[41] International Maritime Organization, documents STCW/CONF.2/32-34.

[42] United Nations, *Treaty Series*, vol. 1361, No. 23001.

[43] http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::P12100_ILO_CODE:C186.

[44] United Nations, *Treaty Series*, vol. 2304, No. 41069.

[45] International Maritime Organization, document SFV-P/CONF.1/16.

[46] International Maritime Organization, document MSC 89/25/Add.1, annex 16; Food and Agriculture Organization of the United Nations, document FIPI/R1012(En); International Labour Organization, document GB.316/POL/4 (and Corr.), para. 14.

92. *Recalls* that all actions taken to combat threats to maritime security must be in accordance with international law, including the principles embodied in the Charter and the Convention;

93. *Recognizes* the crucial role of international cooperation at the global, regional, subregional and bilateral levels in combating, in accordance with international law, threats to maritime security, including piracy, armed robbery at sea, terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats, the enhanced sharing of information among States relevant to the detection, prevention and suppression of such threats, and the prosecution of offenders with due regard to national legislation, and the need for sustained capacity-building to support such objectives;

94. *Acknowledges* the work of the Commission on Crime Prevention and Criminal Justice in promoting international cooperation and strengthening capacity to combat the problem of transnational organized crime committed at sea;

95. *Notes* that piracy and armed robbery at sea affect a wide range of vessels engaged in maritime activities;

96. *Emphasizes* the importance of promptly reporting incidents to enable accurate information on the scope of the problem of piracy and armed robbery against ships and, in the case of armed robbery against ships, by affected vessels to the coastal State, underlines the importance of effective information-sharing with States potentially affected by incidents of piracy and armed robbery against ships, and notes with appreciation the important role of the International Maritime Organization and the important contribution of the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia;

97. *Urges* all States, in cooperation with the International Maritime Organization, to actively combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration;

98. *Encourages* States to ensure effective implementation of international law applicable to combating piracy, as reflected in the Convention, calls upon States to take appropriate steps under their national law to facilitate, in accordance with international law, the apprehension and prosecution of those who are alleged to have committed acts of piracy, including the financing or facilitation of such acts, also taking into account other relevant instruments that are consistent with the Convention, and encourages States to cooperate, as appropriate, with a view to developing their national legislation in this regard;

99. *Expresses grave concern* at the threats posed by piracy and armed robbery at sea to the safety and welfare of seafarers and other persons;

100. *Invites* all States, the International Maritime Organization, the International Labour Organization and other relevant international organizations and

agencies to adopt or recommend, as appropriate, measures to protect the interest and welfare of seafarers and fishers who are victims of pirates, after their release from captivity, including their post-incident care and reintegration into society;

101. *Takes note* of the ongoing cooperation between the International Maritime Organization, the United Nations Office on Drugs and Crime and the Division with respect to the compilation of national legislation on piracy, notes that copies of national legislation received by the Secretariat have been placed on the website of the Division, and encourages the aforementioned bodies to further cooperate with the view to assisting Member States, upon request, in developing their national laws on piracy;

102. *Recognizes* continued national, bilateral and trilateral initiatives as well as regional cooperative mechanisms, in accordance with international law, to address piracy, including the financing or facilitation of acts of piracy, and armed robbery at sea in the Asian region, and calls upon other States to give immediate attention to adopting, concluding and implementing cooperation agreements at the regional level on combating piracy and armed robbery against ships;

103. *Expresses serious concern* at the inhuman conditions hostages taken at sea face in captivity and also the adverse impact on their families, calls for the immediate release of all hostages taken at sea, and stresses the importance of cooperation among Member States on the issue of hostage-taking at sea;

104. *Welcomes* in this regard the establishment of the Hostage Support Programme by the Board of the Trust Fund to Support the Initiatives of States Countering Piracy off the Coast of Somalia;[47]

105. *Reiterates its serious concern* regarding continued incidents of piracy and armed robbery at sea off the coast of Somalia, expresses alarm in particular at the hijacking of vessels, supports the recent efforts to address this problem at the global and regional levels, notes the adoption by the Security Council of resolutions 1816 (2008) of 2 June 2008, 1838 (2008) of 7 October 2008, 1846 (2008) of 2 December 2008, 1851 (2008) of 16 December 2008, 1897 (2009) of 30 November 2009, 1918 (2010) of 27 April 2010, 1950 (2010) of 23 November 2010, 1976 (2011) of 11 April 2011, 2015 (2011) of 24 October 2011, 2020 (2011) of 22 November 2011 and 2036 (2012) of 22 February 2012, as well as the statements by the President of the Security Council of 25 August 2010[48] and of 19 November 2012,[49] also notes that the authorization in resolution 1816 (2008) and the provisions in resolutions 1838 (2008), 1846 (2008), 1851 (2008), 1897 (2009), 1950 (2010), 2020 (2011), 2077 (2012) and 2125 (2013) apply only to the situation in Somalia and do not affect the rights, obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores, in particular, the fact that they are not to be considered as establishing customary international law;

106. *Welcomes* the significant decrease in reported incidents of piracy off the coast of Somalia, which are at the lowest level since 2006, continues to be gravely

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[47] S/2013/623, paras. 11-13.

[48] S/PRST/2010/16; see *Resolutions and Decisions of the Security Council, 1 August 2010-31 July 2011.*

[49] S/PRST/2012/24.

concerned by the ongoing threat that piracy and armed robbery at sea continue to pose to the region, and acknowledges Security Council resolution 2125 (2013);

107. *Recognizes* the International Criminal Police Organization (INTERPOL) for operationalizing a global piracy database designed to consolidate information about piracy off the coast of Somalia and facilitate the development of actionable analysis for law enforcement, and urges all States to share such information with INTERPOL for use in the database, through appropriate channels;[50]

108. *Notes* the continued efforts within the Contact Group on Piracy off the Coast of Somalia, following the adoption of Security Council resolution 1851 (2008), including the establishment under the Contact Group of Working Group 5 on the financial aspects of Somali piracy to focus on and coordinate efforts to disrupt the pirate enterprise ashore, and commends the contributions of all States in the efforts to fight piracy off the coast of Somalia;

109. *Recognizes* the primary role of the Federal Government of Somalia in combating piracy and armed robbery against ships off the coast of Somalia, acknowledges the importance of a comprehensive and sustainable settlement of the situation in Somalia, and emphasizes the need to address the underlying causes of piracy and to assist Somalia and States in the region in strengthening institutional capacity to fight piracy, including the financing or facilitation of acts of piracy, and armed robbery against ships off the coast of Somalia and to bring to justice those involved in such acts;

110. *Notes* the approval by the International Maritime Organization of the guidelines to assist in the investigation of the crimes of piracy and armed robbery against ships,[51] revised interim guidance to shipowners, ship operators and shipmasters on the use of privately contracted armed security personnel on board ships in the high risk area,[52] revised interim recommendations for flag States regarding the use of privately contracted armed security personnel on board ships in the high risk area,[53] revised interim recommendations for port and coastal States regarding the use of privately contracted armed security personnel on board ships in the high risk area,[54] interim guidance to private maritime security companies providing privately contracted armed security personnel on board ships in the high risk area,[55] and interim guidance for flag States on measures to prevent and mitigate Somalia-based piracy;[56]

111. *Encourages* States to ensure that ships flying their flag apply ship security measures approved in accordance with domestic and international law;

112. *Notes* the efforts made by the shipping industry to cooperate with the efforts by States regarding piracy off the coast of Somalia, in particular in assisting ships that navigate in that area, and recalls the adoption on 30 November 2011 by the

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[50] See S/2012/783, para. 46.

[51] International Maritime Organization, document MSC.1/Circ.1404.

[52] International Maritime Organization, document MSC.1/Circ.1405/Rev.2.

[53] International Maritime Organization, document MSC.1/Circ.1406/Rev.2.

[54] International Maritime Organization, document MSC.1/Circ.1408/Rev.1.

[55] International Maritime Organization, document MSC.1/Circ.1443.

[56] International Maritime Organization, document MSC.1/Circ.1444.

Assembly of the International Maritime Organization of resolution A.1044(27) on piracy and armed robbery against ships in waters off the coast of Somalia;[57]

113. *Recalls* the adoption on 29 January 2009 of the Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (Djibouti Code of Conduct)[58] under the auspices of the International Maritime Organization, the establishment of the International Maritime Organization Djibouti Code Trust Fund, a multi-donor trust fund initiated by Japan, and the ongoing activities for the implementation of the Code of Conduct;

114. *Expresses its deep concern* at the high number of incidents of piracy and armed robbery at sea in the Gulf of Guinea, recalls the primary role of States in the region to counter the threat and address the underlying causes of piracy and armed robbery at sea in the Gulf of Guinea, welcomes the adoption in Yaoundé on 25 June 2013 of the Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and Illegal Maritime Activity in West and Central Africa, and calls upon States in the region to sign and implement the Code of Conduct as soon as possible and consistent with international law, in particular the Convention;

115. *Urges* States to ensure the full implementation of resolution A.1044(27) of the Assembly of the International Maritime Organization on piracy and armed robbery against ships in waters off the coast of Somalia;

116. *Calls upon* States that have not yet done so to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[59] notes the entry into force on 28 July 2010 of the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation[60] and of the 2005 Protocol to the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[61] invites States that have not yet done so to consider becoming parties to those Protocols, and urges States parties to take appropriate measures to ensure the effective implementation of those instruments through the adoption of legislation, where appropriate;

117. *Calls upon* States to effectively implement the International Ship and Port Facility Security Code and the amendments to the International Convention for the Safety of Life at Sea,[62] and to work with the International Maritime Organization to promote safe and secure shipping while ensuring freedom of navigation;

118. *Urges* all States, in cooperation with the International Maritime Organization, to improve the protection of offshore installations by adopting measures related to the prevention, reporting and investigation of acts of violence against installations, in accordance with international law, and by implementing such measures through national legislation to ensure proper and adequate enforcement;

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[57] International Maritime Organization, document A 27/Res.1044.

[58] International Maritime Organization, document C 102/14, annex, attachment 1.

[59] United Nations, *Treaty Series*, vol. 1678, No. 29004.

[60] International Maritime Organization, document LEG/CONF.15/21.

[61] International Maritime Organization, document LEG/CONF.15/22.

[62] International Maritime Organization, documents SOLAS/CONF.5/32 and 34, as well as resolution MSC.202(81) introducing the long-range identification and tracking of ships system.

119. *Emphasizes* the progress in regional cooperation, including the efforts of littoral States, on the enhancement of safety, security and environmental protection in the Straits of Malacca and Singapore, and the effective functioning of the Cooperative Mechanism on Safety of Navigation and Environment Protection in the Straits of Malacca and Singapore (the Cooperative Mechanism) to promote dialogue and facilitate close cooperation between the littoral States, user States, shipping industries and other stakeholders in line with article 43 of the Convention, notes with appreciation the convening of the sixth Cooperation Forum, in Bali, Indonesia, on 7 and 8 October 2013, the sixth Project Coordination Committee Meeting, in Bali, Indonesia, on 11 October 2013, and the tenth and eleventh Aids to Navigation Fund Committee Meetings, in Singapore on 4 and 5 April 2013 and 4 October 2013, respectively, the events being key pillars of the Cooperative Mechanism, also notes with appreciation the important role of the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, based in Singapore, and calls upon States to give immediate attention to adopting, concluding and implementing cooperation agreements at the regional level;

120. *Recognizes* that some transnational organized criminal activities threaten legitimate uses of the oceans and endanger the lives of people at sea;

121. *Notes* that transnational organized criminal activities are diverse and may be interrelated in some cases and that criminal organizations are adaptive and take advantage of the vulnerabilities of States, in particular coastal and small island developing States in transit areas, and calls upon States and relevant intergovernmental organizations to increase cooperation and coordination at all levels to detect and suppress the smuggling of migrants, trafficking in persons and illicit trafficking in firearms, in accordance with international law;

122. *Recognizes* the importance of enhancing international cooperation at all levels to fight transnational organized criminal activities, including illicit traffic in narcotic drugs and psychotropic substances, within the scope of the United Nations instruments against illicit drug trafficking, as well as the smuggling of migrants, trafficking in persons and illicit trafficking in firearms and criminal activities at sea falling within the scope of the United Nations Convention against Transnational Organized Crime;[63]

123. *Calls upon* States that have not yet done so to consider becoming parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[64] the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[65] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[66] and to take appropriate measures to ensure their effective implementation;

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[63] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[64] Ibid., vol. 2241, No. 39574.

[65] Ibid., vol. 2326, No. 39574.

[66] Ibid., vol. 2237, No. 39574.

124. *Calls upon* States to ensure freedom of navigation, the safety of navigation and the rights of transit passage, archipelagic sea lanes passage and innocent passage in accordance with international law, in particular the Convention;

125. *Welcomes* the work of the International Maritime Organization relating to the protection of shipping lanes of strategic importance and significance, and in particular in enhancing safety, security and environmental protection in straits used for international navigation, and calls upon the International Maritime Organization, States bordering straits and user States to continue their cooperation to keep such straits safe, secure and environmentally protected and open to international navigation at all times, consistent with international law, in particular the Convention;

126. *Calls upon* user States and States bordering straits used for international navigation to continue to cooperate by agreement on matters relating to navigational safety, including safety aids for navigation, and the prevention, reduction and control of pollution from ships, and welcomes developments in this regard;

127. *Calls upon* States that have accepted the amendments to regulation XI-1/6 of the International Convention for the Safety of Life at Sea, 1974,[67] to implement the Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident,[68] which took effect on 1 January 2010;

128. *Calls upon* States that have not yet done so to consider becoming members of the International Hydrographic Organization, encourages all members of that Organization to actively consider, in accordance with applicable rules and procedures, applications of States that wish to become members of that Organization, and urges all States to work with that Organization to increase the coverage of hydrographic information on a global basis to enhance capacity-building and technical assistance and to promote safe navigation, particularly through the production and use of accurate electronic navigational charts, especially in areas used for international navigation, in ports and where there are vulnerable or protected marine areas;

129. *Encourages* States to continue their efforts in the implementation of all areas of the Action Plan for the Safety of Transport of Radioactive Material, approved by the Board of Governors of the International Atomic Energy Agency in March 2004;

130. *Notes* that cessation of the transport of radioactive materials through the regions of small island developing States is an ultimate desired goal of small island developing States and some other countries, and recognizes the right of freedom of navigation in accordance with international law; that States should maintain dialogue and consultation, in particular under the auspices of the International Atomic Energy Agency and the International Maritime Organization, with the aim of improved mutual understanding, confidence-building and enhanced communication in relation to the safe maritime transport of radioactive materials; that States involved in the transport of such materials are urged to continue to engage in dialogue with small island developing States and other States to address their concerns; and that these concerns include the further development and strengthening, within the appropriate

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[67] International Maritime Organization, document MSC 84/24/Add.1, annex 3, resolution MSC.257(84).

[68] International Maritime Organization, document MSC 84/24/Add.1, annex 1, resolution MSC.255(84).

forums, of international regulatory regimes to enhance safety, disclosure, liability, security and compensation in relation to such transport;

131. *Acknowledges*, in the context of paragraph 130 above, the potential environmental and economic impacts of maritime incidents and accidents on coastal States, in particular those related to the transport of radioactive materials, and emphasizes the importance of effective liability regimes in that regard;

132. *Encourages* States to draw up plans and to establish procedures to implement the Guidelines on Places of Refuge for Ships in Need of Assistance adopted by the International Maritime Organization on 5 December 2003;[69]

133. *Invites* States that have not yet done so to consider becoming parties to the Nairobi International Convention on the Removal of Wrecks, 2007;[70]

134. *Requests* States to take appropriate measures with regard to ships flying their flag or of their registry to address hazards that may be caused by wrecks and drifting or sunken cargo to navigation or the marine environment;

135. *Calls upon* States to ensure that masters on ships flying their flag take the steps required by relevant instruments[71] to provide assistance to persons in distress at sea, and urges States to cooperate and to take all necessary measures to ensure the effective implementation of the amendments to the International Convention on Maritime Search and Rescue[72] and to the International Convention for the Safety of Life at Sea[73] relating to the delivery of persons rescued at sea to a place of safety, as well as of the associated Guidelines on the Treatment of Persons Rescued at Sea;[74]

136. *Notes* the adoption by the International Maritime Organization of International Convention for the Safety of Life at Sea regulation III/17-1,[75] as well as the related Guidelines for the development of plans and procedures for recovery of persons from the water;[76]

137. *Recognizes* that all States must fulfil their search and rescue responsibilities in accordance with international law, including the Convention, and the ongoing need for the International Maritime Organization and other relevant organizations to assist, in particular, developing States both to increase their search and rescue capabilities, including through the establishment of additional rescue coordination centres and regional sub-centres, and to take effective action to address, to the extent feasible, the issue of unseaworthy ships and small craft within their national jurisdiction, and emphasizes in this regard the importance of

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[69] International Maritime Organization, Assembly resolution A.949(23).

[70] International Maritime Organization, document LEG/CONF.16/19.

[71] The International Convention for the Safety of Life at Sea, 1974, the International Convention on Maritime Search and Rescue, 1979, as amended, the United Nations Convention on the Law of the Sea, 1982, and the International Convention on Salvage, 1989.

[72] International Maritime Organization, document MSC 78/26/Add.1, annex 5, resolution MSC.155(78).

[73] International Maritime Organization, document MSC 78/26/Add.1, annex 3, resolution MSC.153(78).

[74] International Maritime Organization, document MSC 78/26/Add.2, annex 34, resolution MSC.167(78).

[75] International Maritime Organization, document MSC 91/22/Add.1, annex 2, resolution MSC.338(91).

[76] International Maritime Organization, document MSC.1/Circ.1447.

cooperation for these purposes, including within the framework of the International Convention on Maritime Search and Rescue, 1979;[77]

138. *Welcomes* the ongoing work of the International Maritime Organization in relation to disembarkation of persons rescued at sea, and notes in this regard the need to implement all relevant international instruments and the importance of cooperation among States as provided for in those instruments;

139. *Invites* States to implement the Revised Guidelines on the Prevention of Access by Stowaways and the Allocation of Responsibilities to Seek the Successful Resolution of Stowaway Cases adopted by the International Maritime Organization on 2 December 2010;[78]

140. *Calls upon* States to continue to cooperate in developing comprehensive approaches to international migration and development, including through dialogue on all their aspects;

141. *Also calls upon* States to take measures to protect fibre-optic submarine cables and to fully address issues relating to these cables, in accordance with international law, as reflected in the Convention;

142. *Encourages* greater dialogue and cooperation among States and the relevant regional and global organizations through workshops and seminars on the protection and maintenance of fibre-optic submarine cables to promote the security of such critical communications infrastructure;

143. *Encourages* the adoption by States of laws and regulations addressing the breaking or injury of submarine cables or pipelines beneath the high seas done wilfully or through culpable negligence by a ship flying its flag or by a person subject to its jurisdiction, in accordance with international law, as reflected in the Convention;

144. *Affirms* the importance of maintenance, including the repair, of submarine cables, undertaken in conformity with international law, as reflected in the Convention;

145. *Reaffirms* that flag, port and coastal States all bear responsibility for ensuring the effective implementation and enforcement of international instruments relating to maritime security and safety, in accordance with international law, in particular the Convention, and that flag States have primary responsibility that requires further strengthening, including through increased transparency of ownership of vessels;

146. *Urges* flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with and implementation and enforcement of their responsibilities under international law, in particular the Convention, and, until such action is taken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry, and calls upon flag and port States to take all measures consistent with international law necessary to prevent the operation of substandard vessels;

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[77] United Nations, *Treaty Series*, vol. 1405, No. 23489.

[78] International Maritime Organization, document MSC 88/26/Add.1, annex 6, resolution MSC.312(88).

147. *Recognizes* that international shipping rules and standards adopted by the International Maritime Organization in respect of maritime safety, efficiency of navigation and the prevention and control of marine pollution, complemented by best practices of the shipping industry, have led to a significant reduction in maritime accidents and pollution incidents, encourages all States to participate in the Voluntary International Maritime Organization Member State Audit Scheme,[79] and notes the decision of the International Maritime Organization on a phased-in introduction of the Audit Scheme as an institutionalized process;[80]

148. *Welcomes* the ongoing work of the International Maritime Organization to develop a mandatory code for ships operating in polar waters (the Polar Code), and encourages States and competent international organizations and bodies to support continued efforts to finalize the Polar Code within the agreed framework, with an entry into force as soon as possible;

149. *Recognizes* that maritime safety can also be improved through effective port State control, the strengthening of regional arrangements and increased coordination and cooperation among them, and increased information-sharing, including among safety and security sectors;

150. *Encourages* flag States to take appropriate measures sufficient to achieve or maintain recognition by intergovernmental arrangements that recognize satisfactory flag State performance, including, as appropriate, satisfactory port State control examination results on a sustained basis, with a view to improving quality shipping and furthering flag State implementation of relevant instruments under the International Maritime Organization as well as relevant goals and objectives of the present resolution;

IX
Marine environment and marine resources

151. *Emphasizes once again* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures consistent with the Convention, directly or through competent international organizations, for the protection and preservation of the marine environment;

152. *Recalls* that, in "The future we want", States noted with concern that the health of oceans and marine biodiversity are negatively affected by marine pollution, including marine debris, especially plastic, persistent organic pollutants, heavy metals and nitrogen-based compounds, from a number of marine and land-based sources, including shipping and land run-off, and that States committed to take action to reduce the incidence and impacts of such pollution on marine ecosystems, including through the effective implementation of relevant conventions adopted in the framework of the International Maritime Organization, and the follow-up of relevant initiatives such as the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,[81] as well as the adoption of coordinated strategies to this end, and that they further committed to

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[79] International Maritime Organization, Assembly resolution A.946(23).

[80] International Maritime Organization, Assembly resolution A.1018(26).

[81] See A/51/116, annex II.

take action, by 2025, based on collected scientific data, to achieve significant reductions in marine debris to prevent harm to the coastal and marine environment;

153. *Notes* the work of the Intergovernmental Panel on Climate Change, including its recent findings on the acidification of oceans, and in this regard encourages States and competent international organizations and other relevant institutions, individually and in cooperation, to urgently pursue further research on ocean acidification, especially programmes of observation and measurement, noting in particular the continued work of the Convention on Biological Diversity and paragraph 23 of decision XI/18 adopted at the eleventh meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Hyderabad, India, from 8 to 19 October 2012,[82] and to increase national, regional and global efforts to address levels of ocean acidity and the negative impact of such acidity on vulnerable marine ecosystems, particularly coral reefs;

154. *Recalls* that, in "The future we want", States called for support for initiatives that address ocean acidification and the impacts of climate change on marine and coastal ecosystems and resources and, in this regard, reiterated the need to work collectively to prevent further ocean acidification, as well as to enhance the resilience of marine ecosystems and of the communities whose livelihoods depend on them, and to support marine scientific research, monitoring and observation of ocean acidification and particularly vulnerable ecosystems, including through enhanced international cooperation in this regard;

155. *Notes with concern* the approximately 30 per cent increase in the acidity of ocean surface waters since the beginning of the industrial era[83] and the wide range of impacts associated with the continuing and alarming acidification of the world's oceans, and urges States to make significant efforts to tackle the causes of ocean acidification and to further study and minimize its impacts, to enhance local, national, regional and global cooperation in this regard, including the sharing of relevant information, and to take steps to make marine ecosystems more resilient to the impacts of ocean acidification;

156. *Recognizes* the recent attention paid to ocean acidification at the fourteenth meeting of the Informal Consultative Process and commits itself to continue to pay attention to this important issue, including by taking into account the first global integrated assessment and the ongoing work of the recently established Ocean Acidification International Coordination Centre of the International Atomic Energy Agency;

157. *Encourages* States, individually or in collaboration with relevant international organizations and bodies, to enhance their scientific activity to better understand the effects of climate change on the marine environment and marine biodiversity and develop ways and means of adaptation, taking into account, as appropriate, the precautionary approach and ecosystem approaches;

158. *Encourages* States that have not yet done so to become parties to international agreements addressing the protection and preservation of the marine environment and its living marine resources against the introduction of harmful aquatic organisms and pathogens and marine pollution from all sources, including

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[82] See United Nations Environment Programme, document UNEP/CBD/COP/11/35, annex I.

[83] Intergovernmental Panel on Climate Change, Working Group I, "Climate Change 2013: The Physical Science Basis: Summary for Policymakers", October 2013.

the dumping of wastes and other matter, and other forms of physical degradation, as well as agreements that provide for preparedness for, response to and cooperation on pollution incidents and that include provisions on liability and compensation for damage resulting from marine pollution, and to adopt the necessary measures consistent with international law, including the Convention, aimed at implementing and enforcing the rules contained in those agreements;

159. *Recalls* that, in "The future we want", States noted the significant threat that alien invasive species pose to marine ecosystems and resources and committed to implement measures to prevent the introduction and manage the adverse environmental impacts of alien invasive species, including, as appropriate, those adopted in the framework of the International Maritime Organization;

160. *Encourages* States, directly or through competent international organizations, to consider the further development and application, as appropriate and consistent with international law, including the Convention, of environmental impact assessment processes covering planned activities under their jurisdiction or control that may cause substantial pollution of or significant and harmful changes to the marine environment, and also encourages the communication of the reports of the results of such assessments to the competent international organizations in accordance with the Convention;

161. *Encourages* States that have not done so to become parties to regional seas conventions addressing the protection and preservation of the marine environment;

162. *Further encourages* States, in accordance with international law, including the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution incidents, as well as other incidents that are likely to have significant adverse effects on the marine environment and biodiversity;

163. *Recognizes* the importance of improving understanding of the impact of climate change on oceans and seas, and recalls that in "The future we want", States noted that sea-level rise and coastal erosion are serious threats for many coastal regions and islands, particularly in developing countries and, in this regard, called upon the international community to enhance its efforts to address these challenges;

164. *Notes with concern* that the health of the oceans and marine biodiversity are negatively affected by marine debris, especially plastic, from land-based and marine sources, and thus recognizes the need for better understanding of the sources, amounts, pathways, distribution trends, nature and impacts of marine debris;

165. *Welcomes* the activities of relevant United Nations bodies and organizations, including the United Nations Environment Programme, to address the sources and impacts of marine debris, as well as actions relating to marine debris taken under the Convention on the Conservation of Migratory Species of Wild Animals,[84] in particular the adoption by the Conference of the Parties to that Convention at its tenth meeting, held in Bergen, Norway in November 2011 of resolution 10.4 on marine debris;

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[84] United Nations, *Treaty Series*, vol. 1651, No. 28395.

166. *Encourages* States to further develop partnerships with industry and civil society to raise awareness of the extent of the impact of marine debris on the health and productivity of the marine environment and consequent economic loss;

167. *Urges* States to integrate the issue of marine debris into national and, as appropriate, regional strategies dealing with waste management, especially in the coastal zone, ports and maritime industries, including recycling, reuse, reduction and disposal, to consider developing an integrated waste management infrastructure and to encourage the development of appropriate economic incentives with the aim of reducing marine debris to address this issue, including the development of cost-recovery systems that provide an incentive to use port reception facilities and discourage ships from discharging marine debris at sea, and support for measures to prevent, reduce and control pollution from any source, including land-based sources, such as community-based coastal and waterway clean-up and monitoring activities, and encourages States to cooperate regionally and subregionally to identify potential sources and coastal and oceanic locations where marine debris aggregates and to develop and implement joint prevention and recovery programmes for marine debris as well as to raise awareness of the issue of marine debris;

168. *Notes* the work of the International Maritime Organization to prevent pollution by garbage from ships, and welcomes the entry into force on 1 January 2013 of the revised annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, on the prevention of pollution by garbage from ships;[85]

169. *Also notes* the work of the International Maritime Organization to prevent pollution by sewage from ships, welcomes the entry into force of the amendments to annex IV to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, on the possible establishment of special areas for the prevention of such pollution and, in this regard, notes the designation of the Baltic Sea as the first Special Area under annex IV;

170. *Encourages* States that have not yet done so to become parties to the Protocol of 1997 (annex VI — Regulations for the Prevention of Air Pollution from Ships) to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and notes the entry into force, on 1 January 2013, of the amendments to annex VI on regulations on energy efficiency for ships;

171. *Also encourages* States that have not yet done so to become parties to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Protocol), and furthermore to ratify or accede to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004,[86] thereby facilitating its early entry into force;

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[85] International Maritime Organization, document MEPC 62/24, annex 13, resolution MEPC.201(62) and document MEPC 63/23/Add.1, annex 24, resolution MEPC.219(63).

[86] International Maritime Organization, document BWM/CONF/36, annex.

172. *Notes* the ongoing work of the International Maritime Organization and the resolution on International Maritime Organization policies and practices related to the reduction of greenhouse gas emissions from ships;[87]

173. *Urges* States to cooperate in correcting the shortfall in port waste reception facilities in accordance with the action plan to address the inadequacy of port waste reception facilities developed by the International Maritime Organization;[88]

174. *Recognizes* that most of the pollution load of the oceans emanates from land-based activities and affects the most productive areas of the marine environment, and calls upon States, as a matter of priority, to implement the Global Programme of Action and to take all appropriate measures to fulfil the commitments of the international community embodied in the Manila Declaration on Furthering the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities;[89]

175. *Expresses its concern* regarding the spreading of hypoxic dead zones in oceans as a result of eutrophication fuelled by riverine run-off of fertilizers, sewage outfall and reactive nitrogen resulting from the burning of fossil fuels and resulting in serious consequences for ecosystem functioning, and calls upon States to enhance their efforts to reduce eutrophication and, to this effect, to continue to cooperate within the framework of relevant international organizations, in particular the Global Programme of Action;

176. *Calls upon* all States to ensure that urban and coastal development projects and related land-reclamation activities are carried out in a responsible manner that protects the marine habitat and environment and mitigates the negative consequences of such activities;

177. *Notes* the adoption of the Minamata Convention on Mercury on 10 October 2013;

178. *Welcomes* the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action, and encourages increased emphasis on the link between fresh water, the coastal zone and marine resources in the implementation of international development goals, including those contained in the United Nations Millennium Declaration,[8] and of the time-bound targets in the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation),[17] in particular the target on sanitation, and the Monterrey Consensus of the International Conference on Financing for Development;[90]

179. *Recalls* the resolution of the thirtieth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Convention) and the third Meeting of Contracting Parties to the London Protocol, held from 27 to 31 October

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[87] International Maritime Organization, Assembly resolution A.963(23).

[88] International Maritime Organization, document MEPC 53/9/1, annex 1.

[89] United Nations Environment Programme, document UNEP(DEPI)/GPA/IGR.3/6, annex.

[90] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

2008, on the regulation of ocean fertilization,[91] in which the Contracting Parties agreed, inter alia, that the scope of the London Convention and Protocol includes ocean fertilization activities and that, given the present state of knowledge, ocean fertilization activities other than for legitimate scientific research should not be allowed, and that scientific research proposals should be assessed on a case-by-case basis using an assessment framework to be developed by the scientific groups under the London Convention and Protocol, and also agreed that, to this end, such other activities should be considered as contrary to the aims of the London Convention and Protocol and should not currently qualify for any exemption from the definition of dumping in article III, paragraph 1 (*b*), of the London Convention and article 1, paragraph 4.2, of the London Protocol;

180. *Also recalls* the resolution of the thirty-second Consultative Meeting of Contracting Parties to the London Convention and the fifth Meeting of Contracting Parties to the London Protocol, held from 11 to 15 October 2010, on the Assessment Framework for Scientific Research Involving Ocean Fertilization;[92]

181. *Notes* the continued work of the Contracting Parties to the London Convention and the London Protocol towards a global, transparent and effective control and regulatory mechanism for ocean fertilization activities and other activities that fall within the scope of the London Convention and the London Protocol and have the potential to cause harm to the marine environment;

182. *Recalls* decision IX/16 C adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity,[93] in which the Conference of the Parties, inter alia, bearing in mind the ongoing scientific and legal analysis occurring under the auspices of the London Convention and Protocol requested parties and urged other Governments, in accordance with the precautionary approach, to ensure that ocean fertilization activities were not carried out until there was an adequate scientific basis on which to justify such activities, including an assessment of associated risks, and that a global, transparent and effective control and regulatory mechanism was in place for those activities, with the exception of small-scale scientific research studies within coastal waters, and stated that such studies should be authorized only if justified by the need to gather specific scientific data, should be subject to a thorough prior assessment of the potential impacts of the research studies on the marine environment, should be strictly controlled and should not be used for generating and selling carbon offsets or for any other commercial purposes, and takes note of decision X/29, adopted at the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Nagoya, Japan, from 18 to 29 October 2010,[94] in which the Conference of the Parties requested parties to implement decision IX/16 C;

183. *Also recalls* that, in "The future we want", States stressed their concern about the potential environmental impacts of ocean fertilization, recalled in this regard the decisions related to ocean fertilization adopted by the relevant intergovernmental bodies, and resolved to continue addressing ocean fertilization with utmost caution, consistent with the precautionary approach;

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[91] International Maritime Organization, document LC 30/16, annex 6, resolution LC-LP.1 (2008).

[92] International Maritime Organization, document LC 32/15, annex 5, resolution LC-LP.2 (2010).

[93] United Nations Environment Programme, document UNEP/CBD/COP/9/29, annex I.

[94] See United Nations Environment Programme, document UNEP/CBD/COP/10/27, annex.

184. *Reaffirms* paragraph 119 of resolution 61/222 of 20 December 2006 regarding ecosystem approaches and oceans, including the proposed elements of an ecosystem approach, means to achieve implementation of an ecosystem approach and requirements for improved application of an ecosystem approach, and in this regard:

(a) Notes that continued environmental degradation in many parts of the world and increasing competing demands require an urgent response and the setting of priorities for management actions aimed at conserving ecosystem integrity;

(b) Also notes that ecosystem approaches to ocean management should be focused on managing human activities in order to maintain and, where needed, restore ecosystem health to sustain goods and environmental services, provide social and economic benefits for food security, sustain livelihoods in support of international development goals, including those contained in the Millennium Declaration, and conserve marine biodiversity;

(c) Recalls that States should be guided in the application of ecosystem approaches by a number of existing instruments, in particular the Convention, which sets out the legal framework for all activities in the oceans and seas, and its implementing Agreements, as well as other commitments, such as those contained in the Convention on Biological Diversity[95] and the World Summit on Sustainable Development call for the application of an ecosystem approach by 2010, and in this context encourages States to enhance their efforts towards applying such an approach;

(d) Encourages States to cooperate and coordinate their efforts and take, individually or jointly, as appropriate, all measures, in conformity with international law, including the Convention and other applicable instruments, to address impacts on marine ecosystems within and beyond areas of national jurisdiction, taking into account the integrity of the ecosystems concerned;

185. *Recalls* that, in "The future we want", States committed themselves to protect and restore the health, productivity and resilience of oceans and marine ecosystems, to maintain their biodiversity, enabling their conservation and sustainable use for present and future generations, and to effectively apply an ecosystem approach and the precautionary approach in the management, in accordance with international law, of activities having an impact on the marine environment, to deliver on all three dimensions of sustainable development;

186. *Encourages* competent organizations and bodies that have not yet done so to incorporate an ecosystem approach into their mandates, as appropriate, in order to address impacts on marine ecosystems;

187. *Invites* States, in particular those States with advanced technology and marine capabilities, to explore prospects for improving cooperation with and assistance to developing States, in particular least developed countries and small island developing States, as well as coastal African States, with a view to better integrating into national policies and programmes sustainable and effective development in the marine sector;

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[95] United Nations, *Treaty Series*, vol. 1760, No. 30619.

188. *Notes* the information compiled by the Secretariat[96] in relation to the assistance available to and measures that may be taken by developing States, in particular the least developed countries and small island developing States, as well as coastal African States, to realize the benefits of sustainable and effective development of marine resources and uses of the oceans, as provided by States and competent international organizations and global and regional funding agencies, and urges them to provide information for the annual report of the Secretary-General and for incorporation on the website of the Division;[12]

189. *Encourages* States that have not yet done so to consider ratifying or acceding to the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, to facilitate its early entry into force;[97]

190. *Encourages* continued cooperation between the parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal[98] and the International Maritime Organization on regulations on the prevention of pollution from ships;

191. *Takes note* of the role of the Basel Convention[98] in protecting the marine environment against the adverse effects which may result from such wastes;

192. *Notes with concern* the potential for serious environmental consequences resulting from oil spill incidents, urges States, consistent with international law, to cooperate, directly or through competent international organizations, and share best practices, in the fields of protection of the marine environment, human health and safety, prevention, emergency response and mitigation, and in this regard encourages the undertaking of and collaboration on scientific research, including marine scientific research, to better understand the consequences of marine oil spills;

193. *Encourages* States to consider becoming parties to the 2010 Protocol to the 1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea;[99]

X
Marine biodiversity

194. *Reaffirms* its central role relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, notes the work of States and relevant intergovernmental organizations and bodies on those issues, and invites them to contribute, within the areas of their respective competence, to the consideration of these issues within the process initiated by the General Assembly in resolution 66/231;[100]

195. *Welcomes* the intersessional workshops held on 2 and 3 May and on 6 and 7 May 2013, pursuant to paragraph 182 of resolution 67/78,[101] which provided

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[96] A/63/342.

[97] International Maritime Organization, document SR/CONF/45.

[98] United Nations, *Treaty Series*, vol. 1673, No. 28911.

[99] International Maritime Organization, document LEG/CONF.17/10.

[100] Paragraph 167.

[101] See A/AC.276/6.

valuable scientific and technical expert information as an input to the work of the Ad Hoc Open-ended Informal Working Group;

196. *Also welcomes* the second meeting of the Ad Hoc Open-ended Informal Working Group, convened in New York from 19 to 23 August 2013 in accordance with paragraphs 183 and 184 of resolution 67/78, within the process initiated by the General Assembly in resolution 66/231, with a view to ensuring that the legal framework for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction effectively addresses those issues by identifying gaps and ways forward, including through the implementation of existing instruments and the possible development of a multilateral agreement under the Convention, takes note of the exchange of views at that meeting and endorses its recommendations;[102]

197. *Reaffirms* the commitment made by States in "The future we want" to address, on an urgent basis, building on the work of the Ad Hoc Open-ended Informal Working Group and before the end of the sixty-ninth session of the Assembly, the issue of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including by taking a decision on the development of an international instrument under the Convention, and decides to establish a process within the Working Group to prepare for such action;

198. *Requests*, in this regard, the Ad Hoc Open-ended Informal Working Group, within its mandate established by resolution 66/231 and in the light of resolution 67/78, and in order to prepare for the decision to be taken at the sixty-ninth session of the Assembly, to make recommendations to the Assembly on the scope, parameters and feasibility of an international instrument under the Convention;

199. *Decides*, to this end, that the Ad Hoc Open-ended Informal Working Group shall meet for three meetings of four days each, with the possibility of the Assembly deciding that additional meetings will be held, if needed, within existing resources;

200. *Requests* the Secretary-General to convene three meetings of the Ad Hoc Open-ended Informal Working Group, to take place from 1 to 4 April and 16 to 19 June 2014 and from 20 to 23 January 2015, and requests the Secretary-General to make every effort to provide full conference services within existing resources;

201. *Requests* the Co-Chairs of the Ad Hoc Open-ended Informal Working Group, in order to inform the deliberations of the Working Group, to invite Member States to submit their views on the scope, parameters and feasibility of an international instrument under the Convention, for circulation by the Division to Member States as an informal working document compiling the views of States no later than three weeks before the first meeting of the Working Group, and decides that this informal working document will be updated and circulated prior to subsequent meetings;

202. *Recognizes* the abundance and diversity of marine genetic resources and their value in terms of the benefits, goods and services they can provide;

203. *Also recognizes* the importance of research on marine genetic resources for the purpose of enhancing the scientific understanding, potential use and application, and enhanced management of marine ecosystems;

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[102] A/68/399, annex.

204. *Encourages* States and international organizations, including through bilateral, regional and global cooperation programmes and partnerships, to continue in a sustainable and comprehensive way to support, promote and strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research, taking into account, in particular, the need to create greater taxonomic capabilities;

205. *Notes* the work under the Jakarta Mandate on Marine and Coastal Biological Diversity[103] and the Convention on Biological Diversity elaborated programme of work on marine and coastal biological diversity,[104] and, while reiterating the central role of the General Assembly relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, notes with appreciation the complementary technical and scientific work done by the Conference of the Parties to the Convention on Biological Diversity;

206. *Reaffirms* the need for States, individually or through competent international organizations, to urgently consider ways to integrate and improve, based on the best available scientific information and the precautionary approach and in accordance with the Convention and related agreements and instruments, the management of risks to the marine biodiversity of seamounts, cold water corals, hydrothermal vents and certain other underwater features;

207. *Calls upon* States and international organizations to urgently take further action to address, in accordance with international law, destructive practices that have adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals;

208. *Calls upon* States to strengthen, in a manner consistent with international law, in particular the Convention, the conservation and management of marine biodiversity and ecosystems and national policies in relation to marine protected areas;

209. *Recalls* that, in "The future we want", States reaffirmed the importance of area-based conservation measures, including marine protected areas, consistent with international law and based on best available scientific information, as a tool for conservation of biological diversity and sustainable use of its components, and noted decision X/2 of the tenth Meeting of the Conference of the Parties to the Convention on Biological Diversity, that by 2020, 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are to be conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures;[94]

210. *Encourages* States, in this regard, to further progress towards the establishment of marine protected areas, including representative networks, and calls upon States to further consider options to identify and protect ecologically or biologically significant areas, consistent with international law and on the basis of the best available scientific information;

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[103] See A/51/312, annex II, decision II/10.

[104] United Nations Environment Programme, document UNEP/CBD/COP/7/21, annex, decision VII/5, annex I.

211. *Reaffirms* the need for States to continue and intensify their efforts, directly and through competent international organizations, to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine protected areas, consistent with international law, as reflected in the Convention, and based on the best scientific information available;

212. *Notes* the work of States, relevant intergovernmental organizations and bodies, including the Convention on Biological Diversity, in the assessment of scientific information on and compilation of ecological criteria for the identification of marine areas that may require protection, in the light of the objective of the World Summit on Sustainable Development to develop and facilitate the use of diverse approaches and tools, such as ecosystem approaches and the establishment of marine protected areas consistent with international law, as reflected in the Convention, and based on scientific information, including representative networks;[16]

213. *Recalls* that the Conference of the Parties to the Convention on Biological Diversity, at its ninth meeting, adopted scientific criteria for identifying ecologically or biologically significant marine areas in need of protection in open-ocean waters and deep-sea habitats and scientific guidance for selecting areas to establish a representative network of marine protected areas, including in open-ocean waters and deep-sea habitats,[105] takes note of the ongoing work of the Convention on Biological Diversity in this regard, and also recalls that the Food and Agriculture Organization of the United Nations has developed guidance for the identification of vulnerable marine ecosystems through the International Guidelines for the Management of Deep-sea Fisheries in the High Seas;[106]

214. *Acknowledges* the Micronesia Challenge, the Eastern Tropical Pacific Seascape project, the Caribbean Challenge and the Coral Triangle Initiative, which in particular seek to create and link domestic marine protected areas to better facilitate ecosystem approaches, and reaffirms the need for further international cooperation, coordination and collaboration in support of such initiatives;

215. *Takes note* of the efforts of the Sargasso Sea Alliance, led by the Government of Bermuda, to raise awareness of the ecological significance of the Sargasso Sea;

216. *Reiterates its support* for the International Coral Reef Initiative, notes the International Coral Reef Initiative General Meeting held in Belize City from 14 to 17 October 2013, and supports the elaborated programme of work of the Convention on Biological Diversity on marine and coastal biological diversity related to coral reefs under the Jakarta Mandate on Marine and Coastal Biological Diversity;

217. *Recalls* that, in "The future we want", States recognized the significant economic, social and environmental contributions of coral reefs, in particular to islands and other coastal States, as well as the significant vulnerability of coral reefs and mangroves to impacts, including from climate change, ocean acidification, overfishing, destructive fishing practices and pollution, and support international cooperation with a view to conserving coral reef and mangrove ecosystems and

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[105] United Nations Environment Programme, document UNEP/CBD/COP/9/29, annex I, decision IX/20, annexes I and II.

[106] Food and Agriculture Organization of the United Nations, document FIEP/R881 (Tri), appendix F.

realizing their social, economic and environmental benefits, as well as facilitating technical collaboration and voluntary information-sharing;

218. *Encourages* States and relevant international institutions to improve efforts to address coral bleaching by, inter alia, improving monitoring to predict and identify bleaching events, supporting and strengthening action taken during such events and improving strategies to manage reefs to support their natural resilience and enhance their ability to withstand other pressures, including ocean acidification;

219. *Encourages* States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving vessels on coral reefs and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

220. *Emphasizes* the need to mainstream sustainable coral reef management and integrated watershed management into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

221. *Notes* that ocean noise is a potential threat to living marine resources, affirms the importance of sound scientific studies in addressing this matter, encourages further research, studies and consideration of the impacts of ocean noise on living marine resources, and requests the Division to continue to compile the peer-reviewed scientific studies it receives from Member States and intergovernmental organizations pursuant to paragraph 107 of resolution 61/222 and, as appropriate, to make them, or references and links to them, available on its website;

XI
Marine science

222. *Calls upon* States, individually or in collaboration with each other or with competent international organizations and bodies, to continue to strive to improve understanding and knowledge of the oceans and the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with the Convention;

223. *Encourages*, in that regard, relevant international organizations and other donors to consider supporting the Endowment Fund of the International Seabed Authority in order to promote the conduct of collaborative marine scientific research in the international seabed area by supporting the participation of qualified scientists and technical personnel from developing countries in relevant programmes, initiatives and activities;

224. *Invites* all relevant organizations, funds, programmes and bodies within the United Nations system, in consultation with interested States, to coordinate relevant activities with regional and national marine scientific and technological centres in small island developing States, as appropriate, to ensure the more effective achievement of their objectives in accordance with relevant United Nations small island developing States development programmes and strategies;

225. *Takes note with appreciation* of the work of the Intergovernmental Oceanographic Commission, with the advice of the Advisory Body of Experts on the

Law of the Sea, on the development of procedures for the implementation of Parts XIII and XIV of the Convention;

226. *Notes with appreciation* the work of the Advisory Body of Experts, including its work in cooperation with the Division, on the practice of member States related to marine scientific research and transfer of marine technology within the framework of the Convention, and welcomes the decision by the forty-fifth session of the Executive Council of the Intergovernmental Oceanographic Commission, held in Paris from 26 to 28 June 2012, that the Advisory Body will continue its work focused on priorities as tasked by Intergovernmental Oceanographic Commission governing bodies in line with the terms of reference, mobilizing extrabudgetary resources when necessary;[107]

227. *Recalls* the issuance of the revised publication entitled *Marine Scientific Research: A guide to the implementation of the relevant provisions of the United Nations Convention on the Law of the Sea* in December 2010,[108] and requests the Secretariat to continue to make efforts to publish the guide in all official languages of the United Nations;

228. *Notes* the contribution of the Census of Marine Life to marine biodiversity research, including through its report entitled "First Census of Marine Life 2010: Highlights of a Decade of Discovery";

229. *Welcomes* the increasing attention being focused on oceans as a potential source of renewable energy, and notes in this regard the summary of discussions of the Informal Consultative Process at its thirteenth meeting;[109]

230. *Stresses* the importance of increasing the scientific understanding of the oceans-atmosphere interface, including through participation in ocean observing programmes and geographic information systems, such as the Global Ocean Observing System, sponsored by the Intergovernmental Oceanographic Commission, the United Nations Environment Programme, the World Meteorological Organization and the International Council for Science, particularly considering their role in monitoring and forecasting climate change and variability and in the establishment and operation of tsunami warning systems;

231. *Takes note with appreciation* of the progress made by the Intergovernmental Oceanographic Commission and Member States towards the establishment of regional and national tsunami warning and mitigation systems, welcomes the continued collaboration of the United Nations and other intergovernmental organizations in this effort, and encourages Member States to establish and sustain their national warning and mitigation systems, within a global, ocean-related multi-hazard approach, as necessary, to reduce loss of life and damage to national economies and strengthen the resilience of coastal communities to natural disasters;

232. *Stresses* the need for continued efforts in developing mitigation and preparedness measures for natural disasters, particularly following tsunami events caused by earthquakes, such as the 11 March 2011 event in Japan;

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[107] Intergovernmental Oceanographic Commission, document IOC/EC-XLV/3, decision EX-XLV/dec.4.3.

[108] United Nations publication, Sales No. E.10.V.12.

[109] A/67/120.

233. *Urges* States to take necessary action and to cooperate in relevant organizations, including the Food and Agriculture Organization of the United Nations, the Intergovernmental Oceanographic Commission and the World Meteorological Organization, to address damage to ocean data buoys deployed and operated in accordance with international law, including through education and outreach about the importance and purpose of these buoys, and by strengthening these buoys against such damage, and increasing reporting of such damage;

XII

Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects

234. *Reiterates* the need to strengthen the regular scientific assessment of the state of the marine environment in order to enhance the scientific basis for policymaking;

235. *Welcomes* the fourth meeting of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, convened in New York from 22 to 25 April 2013 in accordance with paragraph 231 of resolution 67/78;

236. *Endorses* the recommendations adopted by the Ad Hoc Working Group of the Whole at its fourth meeting;[6]

237. *Reaffirms* the principles guiding the Regular Process and the objective and scope of its first cycle (2010-2014) as agreed upon at the first meeting of the Ad Hoc Working Group of the Whole in 2009;[110]

238. *Notes* that the members of the Group of Experts of the Regular Process continued serving on the Group of Experts during the second phase of the first assessment cycle pursuant to paragraph 209 of resolution 65/37 A, and encourages regional groups that have not yet done so to appoint experts to the Group of Experts in accordance with paragraph 180 of resolution 64/71;

239. *Recognizes* the work of the Group of Experts during the first phase of the first assessment cycle;

240. *Welcomes* the development and operation of the website of the Regular Process, under the auspices of the United Nations, recognizes the contributions made to the establishment of the website, and invites consultations between the bureau of the Ad Hoc Working Group of the Whole, with the participation of the Joint Coordinators of the Group of Experts, as appropriate, and the secretariat of the Regular Process regarding the content of the website;

241. *Takes note* of the guidance for contributors that was adopted by the bureau of the Ad Hoc Working Group of the Whole and the revised draft timetable for the first global integrated marine assessment, welcomes the holding of the workshops in Miami, United States of America, from 13 to 15 November 2012, in Maputo on 6 and 7 December 2012, in Brisbane, Australia from 25 to 27 February 2013 and in Grand Bassam, Côte d'Ivoire, from 28 to 30 October 2013, and takes

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[110] See A/64/347, annex.

note of the summaries thereof[111] as well as of the updated report on the preliminary inventory of capacity-building for assessments;

242. *Recognizes* the work done by the bureau of the Ad Hoc Working Group of the Whole during the intersessional period;

243. *Requests* the Secretary-General to convene the fifth meeting of the Ad Hoc Working Group of the Whole on 31 March 2014, with a view to assessing the ongoing work of the first cycle of the first global integrated marine assessment and to providing any recommendations to the General Assembly at its sixty-ninth session, including on the source of funding for issuance of the summary of the first global integrated marine assessment as an official document of the General Assembly;

244. *Recalls* that the Regular Process, as established under the United Nations, is accountable to the General Assembly and is an intergovernmental process guided by international law, including the Convention and other applicable international instruments, and takes into account relevant Assembly resolutions;

245. *Emphasizes* that the second phase of the first cycle of the Regular Process has begun and that the deadline for the first integrated assessment is 2014;

246. *Recalls* that, in "The future we want", States expressed their support for the Regular Process, looked forward to the completion of its first global integrated assessment of the state of the marine environment by 2014 and its subsequent consideration by the General Assembly, and encouraged consideration by States of the assessment findings at appropriate levels;

247. *Requests* the secretariat of the Regular Process to send the first draft of the first global integrated marine assessment to Member States for comments from June to August 2014, and decides that the Group of Experts shall revise the assessment in the light of the comments received and that, once revised, the draft shall be presented to the bureau of the Ad Hoc Working Group of the Whole, together with the comments received, and that, with the approval of the bureau, the draft assessment shall be transmitted for consideration by the Working Group, that the assessment should be available on the website of the Regular Process in the working language of the Group of Experts, that the Secretary-General should endeavour to translate the assessment into all other official languages, subject to the availability of resources in the voluntary trust fund for the purposes of supporting the operations of the first five-year cycle of the Regular Process, and that the summary of the first global integrated marine assessment should be submitted by the Co-Chairs of the Ad Hoc Working Group of the Whole to be issued as an official document of the General Assembly for its final approval by the Assembly at its seventieth session;

248. *Notes with appreciation* the nominations received to date to the pool of experts of the Regular Process, urges States to continue to appoint individuals to the pool of experts through the regional groups, in accordance with the criteria for the appointment of experts, and to provide support for the work of the Group of Experts in the preparation of the first global integrated marine assessment, and requests the members of the bureau to engage States in their regional groups and urge them to nominate individuals to the pool of experts as soon as possible;

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[111] A/67/687, A/67/896 and A/67/885.

249. *Invites* the Intergovernmental Oceanographic Commission, the United Nations Environment Programme, the International Maritime Organization, the Food and Agriculture Organization of the United Nations and other competent United Nations specialized agencies, as appropriate, to continue to provide technical and scientific support to the Regular Process;

250. *Requests* the secretariat of the Regular Process to convene meetings of the Group of Experts in accordance with the revised draft timetable for the first global integrated marine assessment, subject to the availability of resources;

251. *Notes with appreciation* the support provided by the Division as the secretariat of the Regular Process and the technical and logistical support of the United Nations Environment Programme and the Intergovernmental Oceanographic Commission;

252. *Recognizes* that United Nations specialized agencies can play an important role in promoting the Regular Process and invites those agencies to continue to promote the Regular Process in consultation and coordination with the secretariat of the Regular Process;

253. *Encourages* additional opportunities for the Group of Experts of the Regular Process to have access to information relevant to the first global integrated marine assessment and capacity-building;

254. *Notes* the recommendation made by the Ad Hoc Working Group of the Whole,[6] and decides to continue its consideration of any need to strengthen the capacity of the Division, as the secretariat of the Regular Process;

255. *Notes with appreciation* the contribution made to the voluntary trust fund for the purpose of supporting the operations of the first five-year cycle of the Regular Process, established pursuant to paragraph 183 of resolution 64/71, expresses its serious concern regarding the limited resources available in the trust fund, urges Member States, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons to make financial contributions to the voluntary trust fund and to make other contributions to the Regular Process, and, in light of the limited resources available in the trust fund, decides to review the need for sustainability in the activities of the Regular Process and to continue its consideration of the need to ensure predictability and sustainability of financial resources to support the operations of the Regular Process;

256. *Requests* the Secretary-General to administer the voluntary trust fund established pursuant to paragraph 183 of resolution 64/71 beyond the first five-year cycle and for the duration of the operations of the Regular Process;

XIII
Regional cooperation

257. *Notes* that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, also notes in that context the Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, notes once again the Fund for Peace: Peaceful Settlement of Territorial Disputes, established by the General

Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these funds;

258. *Notes with appreciation* efforts at the regional level to further the implementation of the Convention and respond, including through capacity-building, to issues related to maritime safety and security, the conservation and sustainable use of living marine resources, the protection and preservation of the marine environment and the conservation and sustainable use of marine biodiversity;

259. *Notes* the convening in 2014 of the Third International Conference on Small Island Developing States, and recognizes the importance of coordinated, balanced and integrated actions to address the sustainable development challenges facing small island developing States, including challenges relating to the conservation and sustainable use of marine resources and the preservation of the marine environment;

260. *Invites* States and international organizations to enhance their cooperation to better protect the marine environment, and in this respect welcomes the memorandum of understanding for enhanced cooperation, concluded between the Commission for the Protection of the Marine Environment of the North-East Atlantic, the North East Atlantic Fisheries Commission, the International Seabed Authority and the International Maritime Organization;

261. *Recognizes* the results of the International Polar Year, 2007-2008, with particular emphasis on new knowledge about the linkages between environmental change in the polar regions and global climate systems, encourages States and scientific communities to strengthen their cooperation in this respect;

262. *Welcomes* regional cooperation, and in this regard notes the Pacific Oceanscape Framework as an initiative to enhance cooperation among coastal States in the Pacific island region to foster marine conservation and sustainable development;

263. *Notes with appreciation* the various cooperative efforts displayed by States at the regional and subregional levels, and in this regard welcomes initiatives such as the Integrated Assessment and Management of the Gulf of Mexico Large Marine Ecosystem;

264. *Acknowledges* relevant cooperation among the members of the Zone of Peace and Cooperation of the South Atlantic;

XIV
Open-ended Informal Consultative Process on Oceans and the Law of the Sea

265. *Welcomes* the report of the Co-Chairs on the work of the Informal Consultative Process at its fourteenth meeting, which focused on the impacts of ocean acidification on the marine environment;[4]

266. *Recognizes* the role of the Informal Consultative Process as a unique forum for comprehensive discussions on issues related to oceans and the law of the sea, consistent with the framework provided by the Convention and chapter 17 of

Agenda 21,[7] and that the perspective of the three pillars of sustainable development should be further enhanced in the examination of the selected topics;

267. *Welcomes* the work of the Informal Consultative Process and its contribution to improving coordination and cooperation between States and strengthening the annual debate of the General Assembly on oceans and the law of the sea by effectively drawing attention to key issues and current trends;

268. *Also welcomes* efforts to improve and focus the work of the Informal Consultative Process, and in that respect recognizes the primary role of the Informal Consultative Process in integrating knowledge, the exchange of opinions among multiple stakeholders and coordination among competent agencies, and enhancing awareness of topics, including emerging issues, while promoting the three pillars of sustainable development, and recommends that the Informal Consultative Process devise a transparent, objective and inclusive process for the selection of topics and panellists so as to facilitate the work of the General Assembly during informal consultations concerning the annual resolution on oceans and the law of the sea;

269. *Recalls* the need to strengthen and improve the efficiency of the Informal Consultative Process, and encourages States, intergovernmental organizations and programmes to provide guidance to the Co-Chairs to this effect, particularly before and during the preparatory meeting for the Informal Consultative Process;

270. *Also recalls* that a further review of the effectiveness and utility of the Informal Consultative Process will be undertaken by the General Assembly at its sixty-ninth session;

271. *Requests* the Secretary-General to convene, in accordance with paragraphs 2 and 3 of resolution 54/33, the fifteenth meeting of the Informal Consultative Process, in New York from 27 to 30 May 2014, to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division, in cooperation with other relevant parts of the Secretariat, as appropriate;

272. *Expresses its continued serious concern* regarding the lack of resources available in the voluntary trust fund established by resolution 55/7 for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending the meetings of the Informal Consultative Process, and urges States to make additional contributions to the trust fund;

273. *Decides* that those representatives from developing countries who are invited by the Co-Chairs, in consultation with Governments, to make presentations during the meetings of the Informal Consultative Process shall receive priority consideration in the disbursement of funds from the voluntary trust fund established by resolution 55/7 in order to cover the costs of their travel, and shall also be eligible to receive daily subsistence allowance subject to the availability of funds after the travel costs of all other eligible representatives from those countries mentioned in paragraph 272 above have been covered;

274. *Also decides* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea, the Informal Consultative Process shall focus its discussions at its fifteenth meeting on the role of seafood in global food security;

XV
Coordination and cooperation

275. *Encourages* States to work closely with and through international organizations, funds and programmes, as well as the specialized agencies of the United Nations system and relevant international conventions, to identify emerging areas of focus for improved coordination and cooperation and how best to address these issues;

276. *Encourages* bodies established by the Convention to strengthen coordination and cooperation, as appropriate, in fulfilling their respective mandates;

277. *Requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies, funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, as well as funding institutions, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

278. *Welcomes* the work done by the secretariats of relevant United Nations specialized agencies, programmes, funds and bodies and the secretariats of related organizations and conventions to enhance inter-agency coordination and cooperation on ocean issues, including, where appropriate, through UN-Oceans, the inter-agency coordination mechanism on ocean and coastal issues within the United Nations system;

279. *Recognizes* the work undertaken so far by UN-Oceans, approves the revised terms of reference for the work of UN-Oceans, with a revised mandate, as annexed to the present resolution, and decides to review these terms of reference at its seventy-second session in light of the work of UN-Oceans;

XVI
Activities of the Division for Ocean Affairs and the Law of the Sea

280. *Expresses its appreciation* to the Secretary-General for the annual report on oceans and the law of the sea, prepared by the Division, as well as for the other activities of the Division, which reflect the high standard of assistance provided to Member States by the Division;

281. *Notes with satisfaction* the fifth observance by the United Nations of World Oceans Day on 8 June 2013, recognizes with appreciation the efforts deployed by the Division in organizing its celebration, and invites the Division to continue to promote and facilitate international cooperation on the law of the sea and ocean affairs in the context of the future observance of World Oceans Day, as well as through its participation in other events;

282. *Requests* the Secretary-General to continue to carry out the responsibilities and functions entrusted to him in the Convention and by the related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to ensure the allocation of appropriate resources to the Division for the performance of its activities under the approved budget for the Organization;

283. *Also requests* the Secretary-General to continue the publication activities of the Division, in particular through the publication of *The Law of the Sea: A Select Bibliography* and the *Law of the Sea Bulletin*;

XVII
Sixty-ninth session of the General Assembly

284. *Requests* the Secretary-General to prepare a report for consideration by the General Assembly at its sixty-ninth session on developments and issues relating to ocean affairs and the law of the sea, including the implementation of the present resolution, in accordance with resolutions 49/28, 52/26 and 54/33, and to make the section of the report related to the topic that is the focus of the fifteenth meeting of the Informal Consultative Process available at least six weeks in advance of the meeting of the Informal Consultative Process;

285. *Emphasizes* the critical role of the annual report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels, and as a result constitutes the basis for the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review;

286. *Notes* that the report referred to in paragraph 284 above will also be submitted to States Parties pursuant to article 319 of the Convention regarding issues of a general nature that have arisen with respect to the Convention;

287. *Also notes* the desire to further improve the efficiency of and effective participation of delegations in the informal consultations concerning the annual General Assembly resolution on oceans and the law of the sea, decides that the period of the informal consultations on that resolution should not exceed a maximum of two weeks in total and that the consultations should be scheduled in such a way that the Division has sufficient time to produce the report referred to in paragraph 284 above, and invites States to submit text proposals for inclusion in the resolution to the Coordinator of the informal consultations at the earliest possible date;

288. *Decides* to include in the provisional agenda of its sixty-ninth session the item entitled "Oceans and the law of the sea".

Annex

Terms of reference for UN-Oceans

A. Scope and objectives

1. UN-Oceans is an inter-agency mechanism that seeks to enhance the coordination, coherence and effectiveness of competent organizations of the United Nations system and the International Seabed Authority, within existing resources, in conformity with the United Nations Convention on the Law of the Sea, the respective competences of each of its participating organizations and the mandates and priorities approved by their respective governing bodies.

B. Mandate

2. UN-Oceans will:

(a) Strengthen and promote coordination and coherence of United Nations system activities related to ocean and coastal areas;

(b) Regularly share ongoing and planned activities of participating organizations within the framework of relevant United Nations and other mandates with a view to identifying possible areas for collaboration and synergy;

(c) Facilitate, as appropriate, inputs by its participating organizations to the annual reports of the Secretary-General on oceans and the law of the sea and on sustainable fisheries to be submitted to the Secretariat;

(d) Facilitate inter-agency information exchange, including sharing of experiences, best practices, tools and methodologies and lessons learned in ocean-related matters.

C. Modalities of work

Participation

3. In order to fulfil its mandate on ensuring United Nations system coherence on issues related to ocean affairs and the law of the sea, participation in UN-Oceans is open to United Nations system organizations with competence in activities related to ocean and coastal areas and the International Seabed Authority.

Focal point

4. The Legal Counsel/Division for Ocean Affairs and the Law of the Sea will be the focal point of UN-Oceans. In that capacity, it will:

(a) Convene the meetings of UN-Oceans and organize those meetings, including by preparing and disseminating meeting minutes, reports and background documents;

(b) Facilitate communication among UN-Oceans participants;

(c) Maintain and update information about UN-Oceans activities, make this information available to UN-Oceans participants and United Nations Member States and make it publicly available through the UN-Oceans website (www.unoceans.org);

(d) Represent UN-Oceans at relevant meetings, including those under the General Assembly and those of the United Nations System Chief Executives Board for Coordination and its High-level Committee on Programmes.

Meetings

5. UN-Oceans will hold at least one face-to-face meeting per year, supplemented as needed by virtual (teleconference, videoconference) meetings.

6. As far as practicable, UN-Oceans will hold its face-to-face meetings at United Nations Headquarters, preferably in conjunction with the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea.

7. Each meeting will be conducted by a Chair, elected for that meeting among UN-Oceans participants present at the meeting. The Chair of a given UN-Oceans meeting cannot be elected to chair the immediately subsequent meeting.

8. UN-Oceans will endeavour to make maximum use of electronic communication and information management and will conduct intersessional work by electronic means such as teleconferences and videoconferences.

9. UN-Oceans will work on the basis of consensus.

10. UN-Water and UN-Energy may participate in UN-Oceans meetings as invited observers, as appropriate and necessary.

Work programme

11. UN-Oceans will regularly prepare a work programme allowing it to effectively coordinate the response of its participating organizations to the mandates approved by their governing bodies.

12. In support of its mandate and work, UN-Oceans may set up time-bound ad hoc assignments to facilitate coordination on specific issues, open to all participating organizations of UN-Oceans.

Reporting

13. To ensure transparency and accountability:

(a) The Secretary-General will report annually on the activities and work programmes of UN-Oceans through his report to the General Assembly on developments and issues relating to ocean affairs and the law of the sea;

(b) UN-Oceans, upon request from the General Assembly, will also report to Member States in the context of the meetings of the Informal Consultative Process;

(c) Upon request from the General Assembly, feedback and consultation sessions with UN-Oceans may be held in the context of the meetings of the Informal Consultative Process or at any other time deemed necessary by Member States;

(d) UN-Oceans will also annually brief the High-Level Committee on Programmes on its activities and work programmes;

(e) UN-Oceans will systematically post all of its meeting reports, assignment reports, annual reports to the Informal Consultative Process, and other relevant documents on the UN-Oceans website (www.unoceans.org).

General Assembly

Distr.: Limited
9 December 2013

Original: English

Sixty-eighth session
Agenda item 76 (a)
Oceans and the law of the sea

Denmark, Iceland, India, Jamaica, Japan, Monaco, Netherlands, New Zealand, Norway and Trinidad and Tobago: draft resolution

Oceans and the law of the sea

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Australia, Bahamas, Barbados, Cameroon, Canada, Chile, Costa Rica, Cyprus, Czech Republic, Finland, Greece, Guatemala, Indonesia, Luxembourg, Madagascar, Maldives, Mexico, Micronesia (Federated States of), Montenegro, Nauru, Palau, Portugal, Romania, Samoa, Slovenia, Sweden, Tonga, Ukraine and United States of America

Please recycle

United Nations

A/68/L.19

General Assembly

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Sixty-eighth session
Agenda item 76 (b)
Oceans and the law of the sea: sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Australia, Belgium, Canada, Cyprus, Greece, Iceland, Jamaica, Lithuania, Micronesia (Federated States of), Monaco, New Zealand, Norway, Portugal, Trinidad and Tobago and the United States of America: draft resolution

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

The General Assembly,

Reaffirming its annual resolutions on sustainable fisheries, including resolution 67/79 of 11 December 2012, and other relevant resolutions,

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea (the Convention),[1] and bearing in mind the relationship between the Convention and the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement),[2]

Welcoming the ratifications of and accessions to the Agreement and the fact that a growing number of States, entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, and subregional and regional fisheries management organizations and arrangements, have taken measures, as appropriate, towards the implementation of the provisions of the Agreement, in order to improve their management regimes,

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[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.

[2] Ibid., vol. 2167, No. 37924.

Please recycle

Welcoming also the work of the Food and Agriculture Organization of the United Nations and its Committee on Fisheries, and recognizing in particular the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (the Code)[3] and other related instruments, including the international plans of action, which set out principles and global standards of behaviour for responsible practices for conservation of fisheries resources and the management and development of fisheries, as well as the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing,[4]

Noting with concern that effective management of marine capture fisheries has been made difficult in some areas by unreliable information and data caused by, inter alia, unreported and misreported fish catch and fishing effort and that this lack of accurate data contributes to overfishing in some areas,

Recognizing the significant contribution of sustainable fisheries to food security, income, wealth and poverty alleviation for present and future generations,

Welcoming in this regard the outcome document of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, entitled "The future we want", as endorsed by the General Assembly in its resolution 66/288 of 27 July 2012,

Welcoming the Reviewed Strategic Framework of the Food and Agriculture Organization of the United Nations, approved by the Conference of the Food and Agriculture Organization of the United Nations at its thirty-eighth session,[5]

Recalling that in "The future we want",[6] States were encouraged to give due consideration to implementing the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, of the Committee on World Food Security of the Food and Agriculture Organization of the United Nations,

Noting the ongoing work of the Food and Agriculture Organization of the United Nations on the development of international guidelines on securing sustainable small-scale fisheries, including the resumption of the technical consultation, to be held from 3 to 7 February 2014,

Recognizing the urgent need for action at all levels to ensure the long-term sustainable use and management of fisheries resources through the wide application of the precautionary approach and ecosystem approaches,

Expressing concern over the current and projected adverse effects of climate change on food security and the sustainability of fisheries, and noting in that regard the work of the Intergovernmental Panel on Climate Change, the Food and Agriculture Organization of the United Nations and the United Nations Environment Programme,

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[3] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. III.

[4] Food and Agriculture Organization of the United Nations, document CL 128/INF/11, appendix B.

[5] See Food and Agriculture Organization of the United Nations, *Report of the Conference of the Food and Agriculture Organization of the United Nations, thirty-eighth session, Rome, 15-22 June 2013* (C 2013/REP).

[6] Resolution 66/288, annex.

Reaffirming its commitment to ensuring that conservation and management measures adopted by regional fisheries management organizations and arrangements are based on the best available scientific information,

Deploring the fact that fish stocks, including straddling fish stocks and highly migratory fish stocks, in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, as a result of, inter alia, illegal, unreported and unregulated fishing, inadequate flag State control and enforcement, including monitoring, control and surveillance measures, inadequate regulatory measures, harmful fisheries subsidies and overcapacity, as well as inadequate port State control, as highlighted in the report of the Food and Agriculture Organization of the United Nations, *The State of World Fisheries and Aquaculture 2012*,

Expressing its support for accelerating work to complete the ongoing negotiations in the World Trade Organization to strengthen disciplines on subsidies in the fisheries sector, including through the prohibition of certain forms of fisheries subsidies that contribute to overcapacity and overfishing,

Concerned that only a limited number of States have taken measures to implement, individually and through regional fisheries management organizations and arrangements, the International Plan of Action for the Management of Fishing Capacity adopted by the Food and Agriculture Organization of the United Nations,

Recalling the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing adopted by the Food and Agriculture Organization of the United Nations,

Particularly concerned that illegal, unreported and unregulated fishing constitutes a serious threat to fish stocks and marine habitats and ecosystems, to the detriment of sustainable fisheries as well as the food security and the economies of many States, particularly developing States,

Concerned that some operators increasingly take advantage of the globalization of fishery markets to trade fishery products stemming from illegal, unreported and unregulated fishing and make economic profits from those operations, which constitutes an incentive for them to pursue their activities,

Recognizing that effective deterrence and combating of illegal, unreported and unregulated fishing has significant financial and other resource implications,

Recognizing also the duty provided in the Convention, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (the Compliance Agreement),[7] the Agreement and the Code for flag States to exercise effective control over fishing vessels flying their flag, and vessels flying their flag which provide support to fishing vessels, to ensure that the activities of such fishing and support vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

Recognizing further the importance of adequately regulating, monitoring and controlling trans-shipment at sea to contribute to combating illegal, unreported and unregulated fishing activities,

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[7] United Nations, *Treaty Series*, vol. 2221, No. 39486.

Noting that the Voluntary Guidelines for Flag State Performance were agreed by the second resumed session of the Technical Consultation on Flag State Performance, convened by the Food and Agriculture Organization of the United Nations in Rome from 4 to 8 February 2013, for consideration by the Committee on Fisheries at its thirty-first session in 2014,

Noting also the obligation of all States, in accordance with international law, as reflected in the relevant provisions of the Convention, to cooperate in the conservation and management of living marine resources, and recognizing the importance of coordination and cooperation at the global, regional, subregional and national levels in the areas, inter alia, of marine scientific research, data collection, information-sharing, capacity-building and training for the conservation, management and sustainable development of living marine resources,

Acknowledging the importance of ocean data buoy systems moored in areas beyond national jurisdiction to sustainable development, promoting safety at sea and limiting human vulnerability to natural disasters, due to their use in weather and marine forecasts, fisheries management, tsunami forecasts and climate prediction, and expressing concern that most damage to ocean data buoys, such as moored buoys and tsunameters, frequently results from actions taken by some fishing operations which render the buoys inoperable,

Welcoming in this regard the adoption of measures by States, individually or through regional fisheries management organizations and arrangements, to protect ocean data buoy systems from the impacts of fishing activities,

Recognizing the need for States, individually and through regional fisheries management organizations and arrangements, to continue to develop and implement, consistent with international law, effective port State measures to combat overfishing and illegal, unreported and unregulated fishing, the critical need for cooperation with developing States to build their capacity, and the importance of cooperation between the Food and Agriculture Organization of the United Nations and the International Maritime Organization in this regard,

Noting with satisfaction the ratifications, acceptance and approval of and accessions to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations,[8]

Noting the regional capacity development workshops convened by the Food and Agriculture Organization of the United Nations, in collaboration with other international entities, programmes and projects, in preparation for the entry into force of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing,

Welcoming the convening of the fourth Global Fisheries Enforcement Training Workshop, to be held in San Jose from 17 to 21 February 2014,

Recognizing the efforts of States, individually and through regional fisheries management organizations and arrangements, to implement its resolution 46/215 of 20 December 1991, in which the General Assembly called for a global moratorium on all large-scale pelagic drift-net fishing, including collaborative fisheries enforcement activities, and in particular the 20-year effort by member States of the North Pacific Anadromous Fish Commission that has successfully contributed to the decrease in the use of large-scale pelagic drift-nets in the high seas of the North Pacific Ocean,

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[8] Food and Agriculture Organization of the United Nations, document C 2009/REP and Corr.1, appendix E.

Concerned that marine pollution from all sources constitutes a serious threat to human health and safety, endangers fish stocks, marine biodiversity and marine and coastal habitats and has significant costs to local and national economies,

Recognizing that marine debris is a global transboundary pollution problem and that, due to the many different types and sources of marine debris, different approaches to their prevention and removal are necessary, including identification of such sources,

Noting that the contribution of sustainable aquaculture to global fish supplies continues to respond to opportunities in developing countries to enhance local food security and poverty alleviation and, together with the efforts of other aquaculture-producing countries, will make a significant contribution to meeting future demands in fish consumption, bearing in mind article 9 of the Code,

Reaffirming the importance of sustainable aquaculture to food security, and concerned about the potential effects of genetically engineered aquatic fish species on the health and sustainability of wild fish stocks,

Calling attention to the particular vulnerabilities of small island developing States, other developing coastal States and subsistence fishing communities whose livelihoods, economic development and food security are heavily dependent on sustainable fisheries and will suffer disproportionately if sustainable fisheries are negatively affected,

Welcoming in this regard the Third International Conference on Small Island Developing States, to be held from 1 to 4 September 2014 in Apia, which will focus on small island developing States as a special case for sustainable development, in view of their unique and particular vulnerabilities,

Calling attention to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States, and recognizing the urgent need for capacity-building, including the transfer of marine technology and in particular fisheries-related technology, to enhance the ability of such States to exercise their rights in order to realize the benefits from fisheries resources and fulfil their obligations under international instruments,

Recognizing the need to adopt, implement and enforce appropriate measures to minimize by-catch, waste, discards, including high-grading, loss of fishing gear and other factors that adversely affect the sustainability of fish stocks and ecosystems and, consequently, can also have harmful effects on the economies and food security of small island developing States, other developing coastal States and subsistence fishing communities,

Recognizing also the need to further integrate ecosystem approaches into fisheries conservation and management and, more generally, the importance of applying ecosystem approaches to the management of human activities in the ocean, and noting in this regard the Reykjavik Declaration on Responsible Fisheries in the

Marine Ecosystem,[9] the work of the Food and Agriculture Organization of the United Nations related to guidelines for the implementation of the ecosystem approach to fisheries management and the importance of this approach to relevant provisions of the Agreement and the Code, as well as decision VII/11[10] and other relevant decisions of the Conference of the Parties to the Convention on Biological Diversity,

Recognizing further the economic and cultural importance of sharks in many countries, the biological importance of sharks in the marine ecosystem as key predatory species, the vulnerability of certain shark species to overexploitation, the fact that some are threatened with extinction, the need for measures to promote the long-term conservation, management and sustainable use of shark populations and fisheries, and the relevance of the International Plan of Action for the Conservation and Management of Sharks, adopted by the Food and Agriculture Organization of the United Nations in 1999, in providing guidance on the development of such measures,

Welcoming in this regard the review by the Food and Agriculture Organization of the United Nations of the implementation of the International Plan of Action for the Conservation and Management of Sharks, and its ongoing work in this regard,

Noting with concern that basic data on shark stocks and harvests continue to be lacking and that not all regional fisheries management organizations and arrangements have adopted conservation and management measures for directed shark fisheries and for the regulation of by-catch of sharks from other fisheries,

Welcoming science-based measures taken by States to conserve and sustainably manage sharks, and noting in this respect management measures taken by coastal States, including limits on catch or fishing effort, technical measures, including by catch reduction measures, sanctuaries, closed seasons and areas and monitoring, control and surveillance,

Noting the addition of five shark species and two species of manta rays to appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora[11] by the 16th Conference of the Parties, held in Bangkok, from 2 to 14 March 2013,

Recognizing the importance of marine species occupying low trophic levels in the ecosystem and for food security, and the need to ensure their long-term sustainability,

Expressing concern over continued incidental mortality, in fishing operations, of seabirds, particularly albatrosses and petrels, as well as other marine species, including sharks, fin-fish species, marine mammals and marine turtles, while recognizing considerable efforts by States and through various regional fisheries management organizations and arrangements to reduce incidental mortality as a result of by-catch,

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[9] E/CN.17/2002/PC.2/3, annex.

[10] United Nations Environment Programme, document UNEP/CBD/COP/7/21, annex.

[11] United Nations, *Treaty Series*, vol. 993, No. 14537.

I

Achieving sustainable fisheries

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the living marine resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention,[1] in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention, and where applicable, the Agreement;[2]

2. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

3. *Notes with satisfaction* that in "The future we want",[6] States addressed the sustainable development of fisheries, recognized the significant contribution of fisheries to the three dimensions of sustainable development and stressed the crucial role of healthy marine ecosystems, sustainable fisheries and sustainable aquaculture for food security and nutrition and in providing for the livelihoods of millions of people, and encourages States to implement the commitments made in "The future we want";

4. *Encourages* States to give due priority to the implementation of the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation)[12] in relation to achieving sustainable fisheries, especially restoring depleted stocks to levels that can produce maximum sustainable yield on an urgent basis and, where possible, not later than 2015, and recalls that in "The future we want", States committed themselves to intensify their efforts to meet that target and to urgently take the measures necessary to maintain or restore all stocks at least to levels that can produce the maximum sustainable yield, with the aim of achieving those goals in the shortest time feasible, as determined by their biological characteristics, and in order to achieve this, to urgently develop and implement science-based management plans, including by reducing or suspending fishing catch and fishing effort commensurate with the status of the stock, consistent with international law, the applicable international instruments and relevant General Assembly resolutions and guidelines of the Food and Agriculture Organization of the United Nations;

5. *Urges* States, either directly or through appropriate subregional, regional or global organizations or arrangements, to intensify efforts to assess and address, as appropriate, the impacts of global climate change and ocean acidification on the sustainability of fish stocks and the habitats that support them, in particular the most affected ones;

6. *Emphasizes* the obligations of flag States to discharge their responsibilities, in accordance with the Convention and the Agreement, to ensure compliance by vessels flying their flag with the conservation and management measures adopted and in force with respect to fisheries resources on the high seas;

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[12] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

7. *Calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply widely, in accordance with international law and the Code,[3] the precautionary approach and ecosystem approaches to the conservation, management and exploitation of fish stocks, and also calls upon States parties to the Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

8. *Urges* States to increase their reliance on scientific advice in developing, adopting and implementing conservation and management measures, and to increase their efforts, including through international cooperation, to promote science for conservation and management measures that apply, in accordance with international law, the precautionary approach and ecosystem approaches to fisheries management, enhancing understanding of ecosystem approaches, in order to ensure the long-term conservation and sustainable use of living marine resources, and in this regard encourages the implementation of the Strategy for Improving Information on Status and Trends of Capture Fisheries of the Food and Agriculture Organization of the United Nations[13] as a framework for the improvement and understanding of fishery status and trends;

9. *Calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply stock-specific precautionary reference points, as described in annex II to the Agreement and in the Code, to ensure that populations of harvested stocks and, where necessary, associated or dependent species, are maintained at or restored to sustainable levels, and to use these reference points for triggering conservation and management action;

10. *Encourages* States to apply the precautionary approach and ecosystem approaches in adopting and implementing conservation and management measures addressing, inter alia, by-catch, pollution and overfishing, and protecting habitats of specific concern, taking into account existing guidelines developed by the Food and Agriculture Organization of the United Nations;

11. *Also encourages* States to enhance or develop observer programmes, individually or through regional fisheries management organizations or arrangements, in order to improve data collection on, inter alia, target and by-catch species, which could also assist monitoring, control and surveillance tools, and to take into account standards, forms of cooperation and other existing structures for such programmes as described in article 25 of the Agreement and article 5 of the Code;

12. *Calls upon* States and regional fisheries management organizations and arrangements to collect and, where appropriate, report to the Food and Agriculture Organization of the United Nations required catch and effort data, and fishery-related information, in a complete, accurate and timely way, including for straddling fish stocks and highly migratory fish stocks within and beyond areas under national jurisdiction, discrete high seas fish stocks, and by-catch and discards; and, where they do not exist, to establish processes to strengthen data collection and reporting by members of regional fisheries management organizations and arrangements, including through regular reviews of member compliance with such obligations, and, when such obligations are not met, require the member concerned to rectify the problem, including through the preparation of plans of action with timelines;

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[13] Food and Agriculture Organization of the United Nations, document FIPL/R702 (En), appendix H.

13. *Invites* States and regional fisheries management organizations and arrangements to cooperate with the Food and Agriculture Organization of the United Nations in the implementation and further development of the Fisheries Resources Monitoring System initiative;

14. *Reaffirms* paragraph 10 of resolution 61/105 of 8 December 2006, and calls upon States, including through regional fisheries management organizations or arrangements, to urgently adopt and implement measures to fully implement the International Plan of Action for the Conservation and Management of Sharks for directed and non-directed shark fisheries, based on the best available scientific information, through, inter alia, limits on catch or fishing effort, by requiring that vessels flying their flag collect and regularly report data on shark catches, including species-specific data, discards and landings, undertaking, including through international cooperation, comprehensive stock assessments of sharks, reducing shark by-catch and by-catch mortality and, where scientific information is uncertain or inadequate, not increasing fishing effort in directed shark fisheries and urgently establishing science-based management measures to ensure the long-term conservation, management and sustainable use of shark stocks and to prevent further declines of vulnerable or threatened shark stocks;

15. *Calls upon* States to take immediate and concerted action to improve the implementation of and compliance with existing regional fisheries management organization or arrangement and national measures that regulate shark fisheries and incidental catch of sharks, in particular those measures which prohibit or restrict fisheries conducted solely for the purpose of harvesting shark fins and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with each fin naturally attached;

16. *Also calls upon* regional fisheries management organizations with the competence to regulate highly migratory species to strengthen or establish precautionary, science-based conservation and management measures, as appropriate, for sharks taken in fisheries within their convention areas consistent with the International Plan of Action for the Conservation and Management of Sharks;

17. *Encourages* range States and regional economic integration organizations that have not yet done so to become signatories to the Memorandum of Understanding on the Conservation of Migratory Sharks under the Convention on the Conservation of Migratory Species of Wild Animals,[14] and also invites non-range States, intergovernmental and international and national non-governmental organizations or other relevant bodies and entities to consider becoming cooperating partners;

18. *Encourages* States, as appropriate, to cooperate in establishing non-detriment findings for shared stocks of marine species listed in appendices I and II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, consistent with the concepts and non-binding guiding principles in resolution Conf. 16.7 on non-detriment findings of the Conference of Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;[15]

19. *Urges* States to eliminate barriers to trade in fish and fisheries products which are not consistent with their rights and obligations under the World Trade

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[14] United Nations, *Treaty Series*, vol. 1651, No. 28395.

[15] http://www.cites.org/eng/res/16/16-07.php.

Organization agreements, taking into account the importance of the trade in fish and fisheries products, particularly for developing countries;

20. *Recalls* that in "The future we want", States committed themselves to observing the need to ensure access to fisheries and the importance of access to markets by subsistence, small-scale and artisanal fisherfolk and women fish workers, as well as indigenous peoples and their communities, particularly in developing countries, especially small island developing States;

21. *Urges* States and relevant international and national organizations to provide for the participation of small-scale fishery stakeholders in related policy development and fisheries management strategies in order to achieve long-term sustainability for such fisheries, consistent with the duty to ensure the proper conservation and management of fisheries resources;

22. *Encourages* States, either directly or through competent and appropriate subregional, regional or global organizations and arrangements, to analyse, as appropriate, the impact of fishing for marine species corresponding to low trophic levels;

23. *Welcomes*, in this regard, the initiation of further studies by the Food and Agriculture Organization of the United Nations of the impact of industrial fishing activities on species corresponding to low trophic levels;

24. *Invites* the Food and Agriculture Organization of the United Nations to consider the potential effects of genetically engineered fish species on the health and sustainability of wild fish stocks and to provide guidance, consistent with the Code, on minimizing harmful impacts in this regard;

II

Implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

25. *Calls upon* all States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, that have not done so to ratify or accede to the Agreement and in the interim to consider applying it provisionally;

26. *Calls upon* States parties to the Agreement to effectively implement, as a matter of priority, the provisions of the Agreement through their domestic legislation and through regional fisheries management organizations and arrangements in which they participate;

27. *Emphasizes* the importance of those provisions of the Agreement relating to bilateral, subregional and regional cooperation in enforcement, and urges continued efforts in this regard;

28. *Urges* States parties to the Agreement, in accordance with article 21, paragraph 4, thereof to inform, either directly or through the relevant subregional or regional fisheries management organization or arrangement, all States whose vessels fish on the high seas in the same subregion or region of the form of identification issued by those States parties to officials duly authorized to carry out boarding and inspection functions in accordance with articles 21 and 22 of the Agreement;

29. *Also urges* States parties to the Agreement, in accordance with article 21, paragraph 4, thereof to designate an appropriate authority to receive notifications pursuant to article 21 and to give due publicity to such designation through the relevant subregional or regional fisheries management organization or arrangement;

30. *Invites* regional fisheries management organizations and arrangements which have not yet done so to adopt procedures for high seas boarding and inspection that are consistent with articles 21 and 22 of the Agreement;

31. *Calls upon* States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements with competence over discrete high seas fish stocks, to adopt the necessary measures to ensure the long-term conservation, management and sustainable use of such stocks in accordance with the Convention and consistent with the Code and the general principles set forth in the Agreement;

32. *Invites* States to assist developing States in enhancing their participation in regional fisheries management organizations or arrangements, including by facilitating access to fisheries for straddling fish stocks and highly migratory fish stocks, in accordance with article 25, paragraph 1 (b), of the Agreement, taking into account the need to ensure that such access benefits the developing States concerned and their nationals;

33. *Invites* States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of fisheries resources;

34. *Encourages* States, intergovernmental organizations, international financial institutions, national institutions and non-governmental organizations, as well as natural and juridical persons, to make voluntary financial contributions to the Assistance Fund established under Part VII of the Agreement;

35. *Encourages* the Food and Agriculture Organization of the United Nations and the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat (the Division) to continue their efforts to publicize the availability of assistance through the Assistance Fund;

36. *Encourages* accelerated progress by States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements, regarding the recommendations of the Review Conference on the Agreement, held in New York from 22 to 26 May 2006,[16] and the identification of emerging priorities;

37. *Also encourages* States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements, to

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[16] A/CONF.210/2006/15, annex.

consider implementing, as appropriate, the recommendations of the resumed Review Conference, held in New York from 24 to 28 May 2010;[17]

38. *Recalls* paragraph 6 of its resolution 56/13 of 28 November 2001, and requests the Secretary-General to convene, in April 2014, in accordance with past practice, a tenth round of informal consultations of States Parties to the Agreement for a duration of two days to consider, inter alia, regional, subregional and global implementation of the Agreement and initial preparatory work for the resumption of the Review Conference;

39. *Requests* the Secretary-General to invite States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, not party to the Agreement, as well as the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the World Bank, the Global Environment Facility and other relevant international financial institutions, subregional and regional fisheries management organizations and arrangements, other fisheries bodies, other relevant intergovernmental bodies and relevant non-governmental organizations, in accordance with past practice, to attend the tenth round of informal consultations of States Parties to the Agreement as observers;

40. *Reaffirms its request* that the Food and Agriculture Organization of the United Nations initiate arrangements with States for the collection and dissemination of data on fishing in the high seas by vessels flying their flag at the subregional and regional levels where no such arrangements exist;

41. *Also reaffirms* its request that the Food and Agriculture Organization of the United Nations revise its global fisheries statistics database to provide information on straddling fish stocks, highly migratory fish stocks and discrete high seas fish stocks on the basis of where the catch is taken;

III

Related fisheries instruments

42. *Emphasizes* the importance of the effective implementation of the provisions of the Compliance Agreement,[7] and urges continued efforts in this regard;

43. *Calls upon* all States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have not yet become parties to that Agreement to do so as a matter of priority and, in the interim, to consider applying it provisionally;

44. *Urges* States and subregional and regional fisheries management organizations and arrangements to implement and promote the application of the Code within their areas of competence;

45. *Urges* States to develop and implement, as a matter of priority, national and, as appropriate, regional plans of action to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations;

46. *Welcomes in this regard* the work undertaken by the Food and Agriculture Organization of the United Nations to improve the response rate for

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[17] A/CONF.210/2010/7, annex.

monitoring implementation of the Code and the international plans of action and strategies by developing a web-based questionnaire, and highlights the importance of responding to the questionnaire;

47. *Encourages* the development of best practice guidelines for safety at sea in connection with marine fisheries by the competent international organizations;

48. *Encourages* States to consider signing, ratifying, accepting, approving or acceding to the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977;

IV
Illegal, unreported and unregulated fishing

49. *Emphasizes once again its serious concern* that illegal, unreported and unregulated fishing remains one of the greatest threats to fish stocks and marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, as well as the food security and the economies of many States, particularly developing States, and renews its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

50. *Recalls in this regard* that in "The future we want", States acknowledged that illegal, unreported and unregulated fishing deprive many countries of a crucial natural resource and remain a persistent threat to their sustainable development and recommitted to eliminate illegal, unreported and unregulated fishing as advanced in the Johannesburg Plan of Implementation, and to prevent and combat those practices, including by developing and implementing national and regional action plans in accordance with the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, implementing, in accordance with international law, effective and coordinated measures by coastal States, flag States, port States, chartering nations and the States of nationality of the beneficial owners and others who support or engage in illegal, unreported and unregulated fishing by identifying vessels engaged in such fishing and by depriving offenders of the benefits accruing from it, as well as by cooperating with developing countries to systematically identify needs and build capacity, including support for monitoring, control, surveillance, compliance and enforcement systems;

51. *Urges* States to exercise effective control over their nationals, including beneficial owners, and vessels flying their flag, in order to prevent and deter them from engaging in illegal, unreported and unregulated fishing activities or supporting vessels engaging in illegal, unreported and unregulated fishing activities, including those vessels listed by regional fisheries management organizations or arrangements as engaged in those activities, and to facilitate mutual assistance to ensure that such actions can be investigated and proper sanctions imposed;

52. *Also urges* States to take effective measures, at the national, subregional, regional and global levels, to deter the activities, including illegal, unreported and unregulated fishing, of any vessel which undermines conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements in accordance with international law;

53. *Calls upon* States not to permit vessels flying their flag to engage in fishing on the high seas or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, and to take specific measures, including deterring the reflagging of vessels by their nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement, to control fishing operations by vessels flying their flag;

54. *Urges* States, individually and collectively through regional fisheries management organizations and arrangements, to develop appropriate processes to assess the performance of States with respect to implementing the obligations regarding fishing vessels flying their flag set out in relevant international instruments;

55. *Reaffirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation, in particular at the subregional and regional levels, in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with international law, and for States and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement to collaborate in efforts to address these types of fishing activities;

56. *Urges* regional fisheries management organizations and arrangements to further coordinate measures for combating illegal, unreported and unregulated fishing activities, such as through the development of a common list of vessels identified as engaged in illegal, unreported and unregulated fishing or the mutual recognition of the illegal, unreported and unregulated vessel lists established by each organization or arrangement;

57. *Reaffirms its call upon* States to take all necessary measures consistent with international law, without prejudice to a State's sovereignty over ports in its territory and to reasons of force majeure or distress, including the prohibition of vessels from accessing their ports followed by a report to the flag State concerned, when there is clear evidence that they are or have been engaged in or have supported illegal, unreported and unregulated fishing, or when they refuse to give information either on the origin of the catch or on the authorization under which the catch has been made;

58. *Reaffirms* paragraph 53 of resolution 64/72 of 4 December 2009 with regard to eliminating illegal, unreported and unregulated fishing by vessels flying "flags of convenience" and requiring that a "genuine link" be established between States and fishing vessels flying their flags, and urges States operating open registry to effectively control all fishing vessels flying their flag, as required by international law, or otherwise stop open registry for fishing vessels;

59. *Encourages* States, either directly or through competent and appropriate subregional, regional or global organizations and arrangements, to consider adopting rules, consistent with international law, to ensure that chartering arrangements and practices related to fishing vessels enable compliance with, and enforcement of, relevant conservation and management measures, so as not to undermine efforts to combat illegal, unreported and unregulated fishing;

60. *Recognizes* the need for enhanced port State measures to combat illegal, unreported and unregulated fishing, and urges States to cooperate, in particular at the regional level and through subregional and regional fisheries management

organizations and arrangements, to adopt all necessary port measures, consistent with international law taking into account article 23 of the Agreement, and to further promote the development and application of standards at the regional level;

61. *Encourages*, in this regard, States and regional economic integration organizations that have not yet done so to consider ratifying, accepting, approving or acceding to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing[8] with a view to its early entry into force;

62. *Recalls* that in "The future we want", States that have signed the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing were called upon to expedite procedures for its ratification with a view to its early entry into force;

63. *Encourages* strengthened collaboration between the Food and Agriculture Organization of the United Nations and the International Maritime Organization, taking into account the respective competencies, mandates and experience of the two organizations, to combat illegal, unreported and unregulated fishing, particularly in improving the implementation of flag State responsibilities and port State measures;

64. *Encourages* States, with respect to vessels flying their flag, and port States, to make every effort to share data on landings and catch quotas, and in this regard encourages regional fisheries management organizations and arrangements to consider developing open databases containing such data for the purpose of enhancing the effectiveness of fisheries management;

65. *Calls upon* States to take all necessary measures to ensure that vessels flying their flag do not engage in trans-shipment of fish caught by fishing vessels engaged in illegal, unreported and unregulated fishing, through adequate regulation, monitoring and control of trans-shipment of fish at sea, including through additional national measures applicable to vessels flying their flag to prevent such trans-shipment;

66. *Urges* States, individually and through regional fisheries management organizations and arrangements, to adopt and implement internationally agreed market-related measures in accordance with international law, including principles, rights and obligations established in World Trade Organization agreements, as called for in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

67. *Welcomes* the ongoing work of the Food and Agriculture Organization of the United Nations on the development of best-practice guidelines for catch documentation schemes and traceability, in accordance with its agreed terms of reference and framework principles;

68. *Calls upon* States to initiate, as soon as possible, work within the Food and Agriculture Organization of the United Nations on the elaboration, in accordance with international law, including the agreements established under the World Trade Organization, of guidelines and other relevant criteria relating to catch documentation schemes, including possible formats;

69. *Encourages* information-sharing regarding emerging market- and trade-related measures by States and other relevant actors with appropriate international

forums, given the potential implications of these measures for all States, consistent with the established plan of work of the Committee on Fisheries, and taking into account the Technical Guidelines for Responsible Fish Trade of the Food and Agriculture Organization of the United Nations;

70. *Acknowledges* the development of participatory surveillance activities at sea involving fishing communities in West Africa as a cost-effective way of detecting illegal, unreported and unregulated fishing;

71. *Notes* the concern expressed by the Committee on Fisheries at the proliferation of private standards and ecolabelling schemes potentially leading to the creation of trade barriers and restrictions, and also notes the work by the Food and Agriculture Organization of the United Nations to develop an evaluation framework to assess the conformity of public and private ecolabelling schemes through the Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries;

72. *Also notes* the concerns about possible connections between transnational organized crime and illegal fishing in certain regions of the world, and encourages States, including through the appropriate international forums and organizations, to study the causes and methods of and contributing factors to illegal fishing to increase knowledge and understanding of those possible connections, and to make the findings publicly available, and in this regard takes note of the study issued by the United Nations Office on Drugs and Crime on transnational organized crime in the fishing industry, bearing in mind the distinct legal regimes and remedies under international law applicable to illegal fishing and transnational organized crime;

V

Monitoring, control and surveillance and compliance and enforcement

73. *Calls upon* States, in accordance with international law, to strengthen implementation of or, where they do not exist, adopt comprehensive monitoring, control and surveillance measures and compliance and enforcement schemes individually and within those regional fisheries management organizations or arrangements in which they participate, in order to provide an appropriate framework for promoting compliance with agreed conservation and management measures, and further urges enhanced coordination among all relevant States and regional fisheries management organizations and arrangements in these efforts;

74. *Encourages* further work by competent international organizations, including the Food and Agriculture Organization of the United Nations and subregional and regional fisheries management organizations and arrangements, to develop guidelines on flag State control of fishing vessels;

75. *Urges* States, individually and through relevant regional fisheries management organizations and arrangements, to establish mandatory vessel monitoring, control and surveillance systems, in particular to require that vessel monitoring systems be carried by all vessels fishing on the high seas as soon as practicable, recalling that paragraph 62 of resolution 63/112 of 5 December 2008 urged that large-scale fishing vessels be required to carry vessel monitoring systems no later than December 2008, and to share information on fisheries enforcement matters;

76. *Calls upon* States, individually and through regional fisheries management organizations or arrangements, to strengthen or establish, consistent with national and international law, positive or negative lists of vessels fishing within the areas covered by relevant regional fisheries management organizations and arrangements in order to promote compliance with conservation and management measures and to identify products from illegal, unreported and unregulated catches, and encourages improved coordination among all States and regional fisheries management organizations and arrangements in sharing and using this information, taking into account the forms of cooperation with developing States as set out in article 25 of the Agreement;

77. *Encourages* the Food and Agriculture Organization of the United Nations, in cooperation with States, regional economic integration organizations, the International Maritime Organization and, as appropriate, regional fisheries management organizations and arrangements, to expedite efforts to develop and manage a comprehensive global record of fishing vessels, refrigerated transport vessels and supply vessels, including with a unique vessel identifier system, using the International Maritime Organization numbering system for fishing vessels above 100 gross register tonnage as a first step;

78. *Notes* the recommendation of the Maritime Safety Committee of the International Maritime Organization that the Organization's resolution A.600(15) be amended to allow voluntary application of the International Maritime Organization's Ship Identification Number Scheme to fishing vessels of 100 gross tonnage and above, and recognizes that such an amendment will aid the prevention of illegal, unreported and unregulated fishing activities;

79. *Requests* States and relevant international bodies to develop, in accordance with international law, more effective measures to trace fish and fishery products to enable importing States to identify fish or fishery products caught in a manner that undermines international conservation and management measures agreed in accordance with international law, taking into account the special requirements of developing States and the forms of cooperation with developing States as set out in article 25 of the Agreement, and at the same time to recognize the importance of market access, in accordance with provisions 11.2.4, 11.2.5 and 11.2.6 of the Code, for fish and fishery products caught in a manner that is in conformity with such international measures;

80. *Requests* States to take the necessary measures, consistent with international law, to help to prevent fish and fishery products caught in a manner that undermines applicable conservation and management measures adopted in accordance with international law from entering international trade;

81. *Encourages* States to establish and undertake cooperative surveillance and enforcement activities in accordance with international law to strengthen and enhance efforts to ensure compliance with conservation and management measures, and prevent and deter illegal, unreported and unregulated fishing;

82. *Urges* States, directly and through regional fisheries management organizations or arrangements, to develop and adopt effective monitoring, control and surveillance measures for trans-shipment, as appropriate, in particular at-sea trans-shipment, in order to, inter alia, monitor compliance, collect and verify fisheries data, and to prevent and suppress illegal, unreported and unregulated

fishing activities, in accordance with international law and, in parallel, to encourage and support the Food and Agriculture Organization of the United Nations in studying the current practices of trans-shipment and produce a set of guidelines for this purpose;

83. *Expresses its appreciation* for financial contributions from States to improve the capacity of the existing voluntary International Monitoring, Control and Surveillance Network for Fisheries-Related Activities, and encourages States to join and actively participate in the Network and to consider supporting, when appropriate, its transformation in accordance with international law into an international unit with dedicated resources to further assist Network members, taking into account the forms of cooperation with developing States as set out in article 25 of the Agreement;

84. *Encourages* participation in the fourth Global Fisheries Enforcement Training Workshop, to be held in San Jose from 17 to 21 February 2014, hosted by the International Monitoring, Control and Surveillance Network for Fisheries-Related Activities, in order to share information, experiences and technologies, foster coordination and improve skills among enforcement officials;

85. *Encourages* States, individually and through relevant international bodies, to improve the understanding of the causes and impacts of forced labour and human trafficking in the fishing and aquaculture industries, including processing and related industries, and to further consider actions to combat these practices, including raising awareness of the issue;

VI
Fishing overcapacity

86. *Calls upon* States to commit themselves to urgently reducing the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks, through the establishment of target levels and plans or other appropriate mechanisms for ongoing capacity assessment, while avoiding the transfer of fishing capacity to other fisheries or areas in a manner that undermines the sustainable management of fish stocks, including those areas where fish stocks are overexploited or in a depleted condition, and recognizing in this context the legitimate rights of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks consistent with article 25 of the Agreement, article 5 of the Code, and paragraph 10 of the International Plan of Action for the Management of Fishing Capacity of the Food and Agriculture Organization of the United Nations;

87. *Reiterates its call upon* States, individually and through regional fisheries management organizations and arrangements, to ensure that the urgent actions required in the International Plan of Action for the Management of Fishing Capacity are undertaken expeditiously and that its implementation is facilitated without delay;

88. *Invites* the Food and Agriculture Organization of the United Nations to report on the state of progress in the implementation of the International Plan of Action for the Management of Fishing Capacity, as provided for in paragraph 48 of the Plan of Action;

89. *Calls upon* States individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements with competence to regulate highly migratory species, urgently to address global fishing capacity for tunas, inter alia, in a way that recognizes the legitimate rights of developing States, in particular small island developing States, to participate in and benefit from such fisheries, taking into account the recommendations of the 2010 Joint Tuna Regional Fisheries Management Organizations International Workshop on RFMO Management of Tuna Fisheries, held in Brisbane, Australia, and the recommendations of the 2011 third joint meeting of tuna regional fisheries management organizations and arrangements;

90. *Encourages* those States which are cooperating to establish subregional and regional fisheries management organizations and arrangements, taking into account the best scientific information available as well as the precautionary approach, to exercise voluntary restraint of fishing effort levels in those areas that will come under the regulation of the future organizations and arrangements until adequate regional conservation and management measures are adopted and implemented, taking into account the need to ensure the long-term conservation, management and sustainable use of the relevant fish stocks and to prevent significant adverse impacts on vulnerable marine ecosystems;

91. *Urges* States to eliminate subsidies that contribute to overfishing and overcapacity and to illegal, unreported and unregulated fishing, including by accelerating work to complete World Trade Organization negotiations on fisheries subsidies in accordance with the 2001 Doha Ministerial Declaration[18] to clarify and improve and the 2005 Hong Kong Ministerial Declaration[19] to strengthen disciplines on fisheries subsidies, taking into account the importance of the fisheries sector to developing countries;

92. *Recalls*, in this regard, that in "The future we want", States reaffirmed their commitment in the Johannesburg Plan of Implementation to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and overcapacity, taking into account the importance of that sector to developing countries, reiterated their commitment to conclude multilateral disciplines on fisheries subsidies that would give effect to the mandates of the World Trade Organization Doha Development Agenda[18] and the Hong Kong Ministerial Declaration to strengthen disciplines on subsidies in the fisheries sector, including through the prohibition of certain forms of fisheries subsidies that contribute to overcapacity and overfishing, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of World Trade Organization fisheries subsidies negotiation, taking into account the importance of the sector to development priorities, poverty reduction and livelihood and food security concerns, and encouraged one another to further improve the transparency and reporting of existing fisheries subsidies programmes through the World Trade Organization and, given the state of fisheries resources, and without prejudicing the Doha and Hong Kong ministerial mandates on fisheries subsidies or the need to conclude those negotiations, to eliminate subsidies that contribute to overcapacity and overfishing and to refrain from introducing new such subsidies or from extending or enhancing existing ones;

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[18] A/C.2/56/7, annex.

[19] World Trade Organization, document WT/MIN(05)/DEC.

VII

Large-scale pelagic drift-net fishing

93. *Expresses concern* that, despite the adoption of General Assembly resolution 46/215 of 20 December 1991, the practice of large-scale pelagic drift-net fishing still exists and remains a threat to living marine resources;

94. *Urges* States, individually and through regional fisheries management organizations and arrangements, to adopt effective measures, or strengthen existing measures, to implement and enforce the provisions of resolution 46/215 and subsequent resolutions on large-scale pelagic drift-net fishing in order to eliminate the use of large-scale pelagic drift nets in all seas and oceans, which means that efforts to implement resolution 46/215 should not result in the transfer to other parts of the world of drift nets that contravene the resolution;

95. *Also urges* States, individually and through regional fisheries management organizations and arrangements, to adopt effective measures, or strengthen existing measures, to implement and enforce the present global moratorium on the use of large-scale pelagic drift nets on the high seas, and calls upon States to ensure that vessels flying their flag that are duly authorized to use large-scale drift nets in waters under their national jurisdiction do not use such gear for fishing while on the high seas;

VIII

Fisheries by-catch and discards

96. *Urges* States, subregional and regional fisheries management organizations and arrangements and other relevant international organizations that have not done so to take action, including with consideration of the interests of developing coastal States and, as appropriate, subsistence fishing communities, to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring the confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish, and to ensure that these measures are implemented so as to optimize their effectiveness;

97. *Welcomes* the commitment of States in "The future we want" to enhance action to manage by-catch, discards and other adverse ecosystem impacts from fisheries, including by eliminating destructive fishing practices, consistent with international law, the applicable international instruments and relevant General Assembly resolutions and guidelines of the Food and Agriculture Organization of the United Nations;

98. *Calls upon* States, either individually, collectively or through regional fisheries management organizations and arrangements, to further study, develop and adopt effective management measures, taking into account the best available scientific information on fishing methods, including fish aggregating devices, to minimize by-catch;

99. *Also calls upon* States, either individually, collectively or through regional fisheries management organizations and arrangements, to collect the necessary data in order to evaluate and closely monitor the use of large-scale fish aggregating devices and other devices, as appropriate, and their effects on tuna resources and tuna behaviour and associated and dependent species, to improve management procedures to monitor the number, type and use of such devices and to mitigate possible negative effects on the ecosystem, including on juveniles and the incidental by-catch of non-target species, particularly sharks and turtles, and notes in this regard the measures adopted by different regional fisheries management organizations and arrangements;

100. *Urgently calls upon* States, subregional and regional fisheries management organizations and arrangements and, where appropriate, other relevant international organizations to develop and implement effective management measures to reduce the incidence of catch of non-target species, including the utilization of selective fishing gear, where appropriate;

101. *Calls upon* States, subregional and regional fisheries management organizations and arrangements to adopt or improve measures to assess the impact of their fisheries on species caught as by-catch and to improve the comprehensiveness and accuracy of information and reporting on incidental catch of species caught as by-catch, including through adequate observer coverage and the use of modern technologies, and to provide assistance to developing States to meet data-collection and reporting obligations;

102. *Requests* States and regional fisheries management organizations and arrangements, as appropriate, to strengthen or establish data-collection programmes to obtain reliable species-specific estimates of shark, marine turtle, fin-fish, marine mammal and seabird by-catch, and to promote further research on selective fishing gear and practices and on the use of appropriate by-catch mitigation measures;

103. *Encourages* States and regional fisheries management organizations and arrangements to coordinate in the development and implementation of clear and standardized by-catch data-collection and reporting protocols for non-target species, in particular endangered, threatened and protected species, taking into account best-practice advice from appropriate international organizations and arrangements, including, inter alia, the Food and Agriculture Organization of the United Nations and the Agreement on the Conservation of Albatrosses and Petrels;[20]

104. *Encourages* States and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement to give due consideration to participation, as appropriate, in subregional and regional instruments and organizations with mandates to conserve non-target species taken incidentally in fishing operations;

105. *Encourages* States to strengthen, if necessary, the capacity of those subregional and regional fisheries management organizations and arrangements in which they participate to ensure the adequate conservation of non-target species taken incidentally in fishing operations, taking into consideration best practices for non-target species management, and to expedite their ongoing efforts in this regard;

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[20] United Nations, *Treaty Series*, vol. 2258, No. 40228.

106. *Requests* States and regional fisheries management organizations and arrangements urgently to implement, as appropriate, the measures recommended in the 2004 Guidelines to Reduce Sea Turtle Mortality in Fishing Operations[21] and the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries of the Food and Agriculture Organization of the United Nations in order to prevent the decline of sea turtles and seabird populations by minimizing by-catch and increasing post-release survival in their fisheries, including through research and development of gear and bait alternatives, promoting the use of available by-catch mitigation technology, and establishing and strengthening data-collection programmes to obtain standardized information to develop reliable estimates of the by-catch of these species;

107. *Urges* States, individually or through regional fisheries management organizations and arrangements, to implement the International Guidelines on Bycatch Management and Reduction of Discards of the Food and Agriculture Organization of the United Nations;

108. *Requests* States and regional fisheries management organizations and arrangements to continue to take urgent action to reduce the by-catch of seabirds, including albatrosses and petrels, in fisheries by adopting and implementing conservation measures consistent with the 2009 best practices technical guidelines of the Food and Agriculture Organization of the United Nations to support implementation of the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries and taking into account the work of the Agreement on the Conservation of Albatrosses and Petrels and of organizations such as the Commission for the Conservation of Antarctic Marine Living Resources;

IX
Subregional and regional cooperation

109. *Urges* coastal States and States fishing on the high seas, in accordance with the Convention, the Agreement and other relevant instruments, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation and management of such stocks;

110. *Urges* States fishing for straddling fish stocks and highly migratory fish stocks on the high seas, and relevant coastal States, where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for such stocks, to give effect to their duty to cooperate by becoming members of such an organization or participants in such an arrangement, or by agreeing to apply the conservation and management measures established by such an organization or arrangement, or to otherwise ensure that no vessel flying their flag is authorized to access the fisheries resources to which regional fisheries management organizations and arrangements or conservation and management measures established by such organizations or arrangements apply;

111. *Invites*, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the

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[21] Food and Agriculture Organization of the United Nations, document FIRM/R765 (En), appendix E.

fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention, the Agreement and the Code;

112. *Encourages* relevant coastal States and States fishing on the high seas for a straddling fish stock or a highly migratory fish stock, where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for such stocks, to cooperate to establish such an organization or enter into another appropriate arrangement to ensure the conservation and management of such stocks, and to participate in the work of the organization or arrangement;

113. *Urges* signatory States and other States whose vessels fish within the area of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean[22] for fishery resources covered by that Convention to become parties to that Convention as a matter of priority and, in the interim, to ensure that vessels flying their flags fully comply with the measures adopted;

114. *Recalls* the entry into force of the Southern Indian Ocean Fisheries Agreement, and encourages further ratifications, accessions, acceptances and approvals of that Agreement;

115. *Also recalls* the entry into force of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, and encourages further ratifications, accessions, acceptances and approvals of that Convention;

116. *Encourages* States, regional economic integration organizations and the entities referred to in article 1, paragraph 2 (b), of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean that participated in the negotiation of that Convention to fully implement the voluntary interim measures that have been adopted to give effect to paragraphs 80 and 83 to 87 of General Assembly resolution 61/105 until conservation and management measures have been adopted;

117. *Welcomes* the recent signatures and ratification of the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, and encourages further ratifications, accessions, acceptances and approvals of that Convention;

118. *Encourages* States that participated in the negotiation of the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean to fully implement interim voluntary measures adopted in accordance with paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117, 119, 120, 122 and 123 of resolution 64/72;

119. *Takes note* of the ongoing efforts of the members of the Indian Ocean Tuna Commission to strengthen the functioning of the Commission so that it can more effectively discharge its mandate, and invites the Food and Agriculture Organization of the United Nations to provide members of the Commission with the necessary assistance to this end;

120. *Encourages* signatory States and States having a real interest to become parties to the Convention for the Strengthening of the Inter-American Tropical Tuna

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[22] United Nations, *Treaty Series*, vol. 2221, No. 39489.

Commission Established by the 1949 Convention between the United States of America and the Republic of Costa Rica;

121. *Urges* the Contracting Parties to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries[23] that have not yet done so to approve the 2007 Amendment to that Convention with a view to its early entry into effect;

122. *Urges* further efforts by regional fisheries management organizations and arrangements, as a matter of priority, in accordance with international law, to strengthen and modernize their mandates and the measures adopted by such organizations or arrangements, and to implement modern approaches to fisheries management, as reflected in the Agreement and other relevant international instruments, relying on the best scientific information available and application of the precautionary approach and incorporating an ecosystem approach to fisheries management and biodiversity considerations, including the conservation and management of ecologically related and dependent species and protection of their habitats, where these aspects are lacking, to ensure that they effectively contribute to long-term conservation and management and sustainable use of living marine resources, and welcomes those regional fisheries management organizations and arrangements that have taken steps in this direction;

123. *Calls upon* regional fisheries management organizations with the competence to conserve and manage highly migratory fish stocks that have not yet adopted effective conservation and management measures in line with the best scientific information available to conserve and manage stocks falling under their mandate to do so urgently;

124. *Urges* States to strengthen and enhance cooperation among existing and developing regional fisheries management organizations and arrangements in which they participate, including increased communication and further coordination of measures, such as through the holding of joint consultations, and to strengthen integration, coordination and cooperation by such regional fisheries management organizations and arrangements with other relevant fisheries organizations, regional seas arrangements and other relevant international organizations;

125. *Urges* the five regional fisheries management organizations with competence to manage highly migratory species to continue to take measures to implement the Course of Actions adopted at the second joint meeting of tuna regional fisheries management organizations and arrangements and to consider the recommendations of the third joint meeting of tuna regional fisheries management organizations and arrangements;

126. *Invites* States and regional fisheries management organizations and arrangements with competence to manage straddling fish stocks to share experiences and good practices, for example by considering organizing joint meetings, where appropriate;

127. *Urges* regional fisheries management organizations and arrangements to improve transparency and to ensure that their decision-making processes are fair and transparent, rely on the best scientific information available, incorporate the precautionary approach and ecosystem approaches, address participatory rights,

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[23] Ibid., vol. 1135, No. 17799.

including through, inter alia, the development of transparent criteria for allocating fishing opportunities which reflects, where appropriate, the relevant provisions of the Agreement, taking due account, inter alia, of the status of the relevant stocks and the respective interests in the fishery;

128. *Welcomes* the fact that a number of regional fisheries management organizations and arrangements have completed performance reviews, and encourages the implementation, as appropriate, of the recommendations of their respective reviews as a matter of priority;

129. *Urges* States, through their participation in regional fisheries management organizations and arrangements that have not done so, to undertake, on an urgent basis, performance reviews of those regional fisheries management organizations and arrangements, initiated either by the organization or arrangement itself or with external partners, including in cooperation with the Food and Agriculture Organization of the United Nations, using transparent criteria based on the provisions of the Agreement and other relevant instruments, and taking into account the best practices of regional fisheries management organizations or arrangements and, as appropriate, any set of criteria developed by States or other regional fisheries management organizations or arrangements, and encourages that such performance reviews include some element of independent evaluation and propose means for improving the functioning of the regional fisheries management organization or arrangement, as appropriate;

130. *Calls upon* States, through their participation in regional fisheries management organizations and arrangements, to undertake performance reviews of those regional fisheries management organizations and arrangements on a regular basis, and to make the results publicly available, to implement the recommendations of such reviews and to strengthen the comprehensiveness of those reviews over time, as necessary;

131. *Recalls* that in "The future we want", States recognized the need for transparency and accountability in fisheries management by regional fisheries management organizations and the efforts already made by those regional fisheries management organizations that had undertaken independent performance reviews, called upon all regional fisheries management organizations to regularly undertake such reviews and make the results publicly available, encouraged implementation of the recommendations of such reviews and recommended that the comprehensiveness of those reviews be strengthened over time, as necessary;

132. *Urges* States to cooperate, taking into account those performance reviews, to develop best practice guidelines for regional fisheries management organizations and arrangements and to apply, to the extent possible, those guidelines to organizations and arrangements in which they participate;

133. *Encourages* the development of regional guidelines for States to use in establishing sanctions for non-compliance by vessels flying their flag and by their nationals, to be applied in accordance with national law, that are adequate in severity for effectively securing compliance, deterring further violations and depriving offenders of the benefits deriving from their illegal activities, as well as in evaluating their systems of sanctions to ensure that they are effective in securing compliance and deterring violations;

134. *Recognizes* the importance of ensuring transparency of reporting of fishing activities within regional fisheries management organizations and arrangements in order to facilitate efforts to combat illegal, unreported and unregulated fishing, as well as the importance of respecting the reporting obligations within those organizations and arrangements, notes in this regard the measures adopted by the International Commission for the Conservation of Atlantic Tunas[24] and the Indian Ocean Tuna Commission,[25] and encourages other regional fisheries management organizations and arrangements to consider establishing similar measures;

X

Responsible fisheries in the marine ecosystem

135. *Urges* States, individually or through regional fisheries management organizations and arrangements, to enhance their efforts to apply an ecosystem approach to fisheries, taking into account paragraph 30 (d) of the Johannesburg Plan of Implementation;

136. *Encourages* States, individually or through regional fisheries management organizations and arrangements and other relevant international organizations, to work to ensure that fisheries and other ecosystem data collection is performed in a coordinated and integrated manner, facilitating incorporation into global observation initiatives, where appropriate;

137. *Calls upon* States and regional fisheries management organizations or arrangements, working in cooperation with other relevant organizations, including the Food and Agriculture Organization of the United Nations, the Intergovernmental Oceanographic Commission and the World Meteorological Organization, to adopt, as appropriate, measures to protect ocean data buoy systems moored in areas beyond national jurisdiction from actions that impair their operation;

138. *Encourages* States to increase scientific research on the marine ecosystem in accordance with international law;

139. *Calls upon* States, the Food and Agriculture Organization of the United Nations and other specialized agencies, subregional and regional fisheries management organizations and arrangements, where appropriate, and other appropriate intergovernmental bodies, to cooperate in achieving sustainable aquaculture, including through information exchange, developing equivalent standards on such issues as aquatic animal health and human health and safety concerns, assessing the potential positive and negative impacts of aquaculture, including socioeconomics, on the marine and coastal environment, including biodiversity, and adopting relevant methods and techniques to minimize and mitigate adverse effects, and in this regard encourages the implementation of the 2007 Strategy and Outline Plan for Improving Information on Status and Trends of Aquaculture of the Food and Agriculture Organization of the United Nations, as a framework for the improvement and understanding of aquaculture status and trends;

140. *Calls upon* States to take action immediately, individually and through regional fisheries management organizations and arrangements, and consistent with

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[24] International Commission for the Conservation of Atlantic Tunas, recommendation 11-16.

[25] Indian Ocean Tuna Commission, resolutions 12/07 and 13/07.

the precautionary approach and ecosystem approaches, to continue implementing the 2008 International Guidelines for the Management of Deep-Sea Fisheries in the High Seas of the Food and Agriculture Organization of the United Nations (the Guidelines)[26] in order to sustainably manage fish stocks and protect vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, from destructive fishing practices, recognizing the immense importance and value of deep-sea ecosystems and the biodiversity they contain;

141. *Recalls* that in "The future we want", States committed to enhance actions to protect vulnerable marine ecosystems from significant adverse impacts, including through the effective use of impact assessments, consistent with international law, the applicable international instruments and relevant General Assembly resolutions and guidelines of the Food and Agriculture Organization of the United Nations;

142. *Reaffirms* the importance of paragraphs 80 to 90 of resolution 61/105, paragraphs 113 to 127 of resolution 64/72 and paragraphs 121 to 136 of resolution 66/68 addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks and the actions called for in those resolutions, and emphasizes the need for full implementation by all States and relevant regional fisheries management organizations and arrangements of their commitments under those paragraphs on an urgent basis;

143. *Recalls* that nothing in the paragraphs of resolutions 61/105, 64/72 and 66/68 addressing the impacts of bottom fishing on vulnerable marine ecosystems prejudices the sovereign rights of coastal States over their continental shelf or the exercise of the jurisdiction of coastal States with respect to their continental shelf under international law as reflected in the Convention, in particular article 77 thereof;

144. *Notes in this regard* the adoption by coastal States of conservation measures regarding their continental shelf to address the impacts of bottom fishing on vulnerable marine ecosystems, as well as their efforts to ensure compliance with those measures;

145. *Welcomes* the important progress made by States, regional fisheries management organizations and arrangements and those States participating in negotiations in establishing a regional fisheries management organization or arrangement competent to regulate bottom fisheries to implement paragraphs 80 and 83 to 87 of resolution 61/105, paragraphs 113, 117 and 119 to 124 of resolution 64/72 and paragraphs 121, 126, 129, 130 and 132 to 134 of resolution 66/68 and address the impacts of bottom fishing on vulnerable marine ecosystems;

146. *Also welcomes* the substantial ongoing work of the Food and Agriculture Organization of the United Nations related to the management of deep-sea fisheries in the high seas and the protection of vulnerable marine ecosystems, and urges States and regional fisheries management organizations and arrangements to ensure that their actions in sustainably managing deep-sea fisheries and implementing paragraphs 80 and 83 to 87 of resolution 61/105, paragraphs 113 and 119 to 124 of

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[26] Food and Agriculture Organization of the United Nations, *Report of the Technical Consultation on International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, Rome, 4-8 February and 25-29 August 2008*, FAO Fisheries and Aquaculture Report No. 881 (FIEP/R881 (Tri)), appendix F.

resolution 64/72 and paragraphs 121, 129, 130 and 132 to 134 of resolution 66/68 are consistent with the Guidelines;

147. *Affirms* the importance of the Food and Agriculture Organization of the United Nations continuing to undertake work pursuant to paragraphs 135 and 136 of resolution 66/68 as part of its ongoing programme for deep-sea fisheries;

148. *Takes note* of the convening of a regional workshop on vulnerable marine ecosystems in the South-East Atlantic, in Swakopmund, Namibia, from 8 to 12 April 2013, by the Food and Agriculture Organization of the United Nations;

149. *Encourages* accelerated progress to establish criteria on the objectives and management of marine protected areas for fisheries purposes, and in this regard welcomes the development by the Food and Agriculture Organization of the United Nations of technical guidelines on marine protected areas and fisheries, and urges coordination and cooperation among all relevant international organizations and bodies;

150. *Urges* all States to implement the 1995 Global Programme of Action for the Protection of the Marine Environment from Land-based Activities[27] and to accelerate activity to safeguard the marine ecosystem, including fish stocks, against pollution and physical degradation, taking into account the increase in oceanic dead zones;

151. *Acknowledges* the serious environmental impacts on the marine environment caused by abandoned, lost or otherwise discarded fishing gear, and encourages States to take action to reduce such gear, noting the recommendations of the 2009 report by the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations;

152. *Reaffirms* the importance it attaches to paragraphs 77 to 81 of resolution 60/31 of 29 November 2005 concerning the issue of lost, abandoned or discarded fishing gear and related marine debris and the adverse impacts such debris and derelict fishing gear have on, inter alia, fish stocks, habitats and other marine species, and urges accelerated progress by States and regional fisheries management organizations and arrangements in implementing those paragraphs of the resolution;

153. *Encourages* further studies, including by the Food and Agriculture Organization of the United Nations, on the impacts of underwater noise on fish stocks and fishing catch rates, as well as associated socioeconomic effects;

154. *Calls upon* States, including through regional fisheries management organizations and arrangements, to play an active role in global efforts to conserve and sustainably use living marine resources, so as to contribute to marine biological diversity;

155. *Encourages* States, either individually or through regional fisheries management organizations and arrangements, as appropriate, to identify any spawning and nursery areas for fish stocks under their jurisdiction or competence and, where required, to adopt science-based measures to conserve such stocks during these critical life stages;

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[27] A/51/116, annex II.

156. *Recognizes* the wide range of impacts of ocean acidification on marine ecosystems, and calls upon States to tackle the causes of ocean acidification and to further study its impacts;

157. *Emphasizes* the importance of developing adaptive marine resource management strategies and enhancing capacity-building to implement such strategies in order to enhance the resilience of marine ecosystems to minimize the wide range of impacts on marine organisms and threats to food security caused by ocean acidification, in particular the impacts on the ability of calciferous plankton, coral reefs, shellfish and crustaceans to build shells and skeletal structures and the threats this could pose to protein supply;

XI
Capacity-building

158. *Reiterates* the crucial importance of cooperation by States directly or, as appropriate, through the relevant subregional and regional organizations, and by other international organizations, including the Food and Agriculture Organization of the United Nations through its FishCode programme, including through financial and/or technical assistance, in accordance with the Agreement, the Compliance Agreement, the Code and its associated international plans of action, to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution;

159. *Welcomes* the ongoing work of the Food and Agriculture Organization of the United Nations in developing guidance on the strategies and measures required for the creation of an enabling environment for sustainable small-scale fisheries, and encourages studies for creating possible alternative livelihoods for coastal communities;

160. *Recalls* that in "The future we want", States recognized the importance of building the capacity of developing countries to be able to benefit from the conservation and sustainable use of the oceans and seas and their resources, and in this regard emphasized the need for cooperation in marine scientific research to implement the provisions of the Convention and the outcomes of the major summits on sustainable development, as well as for the transfer of technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology;[28]

161. *Also recalls* that in "The future we want", States urged the identification and mainstreaming by 2014 of strategies that further assist developing countries, in particular the least developed countries and small island developing States, in developing their national capacity to conserve, sustainably manage and realize the benefits of sustainable fisheries, including through improved market access for fish products from developing countries;

162. *Encourages* increased capacity-building and technical assistance by States, international financial institutions and relevant intergovernmental organizations and bodies for fishers, in particular small-scale fishers, in developing countries, and in particular small island developing States, consistent with environmental sustainability, in recognition of the fact that food security and livelihoods may depend on fisheries;

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[28] See Intergovernmental Oceanographic Commission, document IOC/INF-1203.

163. *Encourages* States to cooperate closely, directly or through the United Nations system, including, inter alia, the Food and Agriculture Organization of the United Nations, with a view to enhancing capacity-building of developing States, and in particular small island developing States, in the field of fisheries through education and training;

164. *Recognizes* in this regard the work of the United Nations University Fisheries Training Programme in Iceland, which has contributed for 15 years to capacity-building in this field in developing countries, graduated 280 fellows from 47 countries and, in addition, held 36 short courses in 12 countries;

165. *Encourages* the international community to enhance the opportunities for sustainable development in developing countries, in particular the least developed countries, small island developing States and coastal African States, by encouraging greater participation of those States in authorized fisheries activities being undertaken within areas under their national jurisdiction, in accordance with the Convention, by distant-water fishing nations in order to achieve better economic returns for developing countries from their fisheries resources within areas under their national jurisdiction and an enhanced role in regional fisheries management, as well as by enhancing the ability of developing countries to develop their own fisheries, as well as to participate in high seas fisheries, including access to such fisheries, in conformity with international law, in particular the Convention and the Agreement, and taking into account article 5 of the Code;

166. *Requests* distant-water fishing nations, when negotiating access agreements and arrangements with developing coastal States, to do so on an equitable and sustainable basis and to take into account their legitimate expectation to fully benefit from the sustainable use of the natural resources of their exclusive economic zones, to ensure that vessels flying their flag comply with the laws and regulations of the developing coastal States adopted in accordance with international law and to give greater attention to fish processing and fish-processing facilities within the national jurisdiction of the developing coastal State to assist the realization of the benefits from the development of fisheries resources and also to the transfer of technology and assistance for monitoring, control and surveillance and compliance and enforcement within areas under the national jurisdiction of the developing coastal State providing fisheries access, taking into account the forms of cooperation set out in article 25 of the Agreement and article 5 of the Code;

167. *Encourages* States, individually and through regional fisheries management organizations and arrangements, to provide greater assistance and to promote coherence in such assistance for developing States in designing, establishing and implementing relevant agreements, instruments and tools for the conservation and sustainable management of fish stocks, including in designing and strengthening their domestic regulatory fisheries policies and those of regional fisheries management organizations or arrangements in their regions, and the enhancement of research and scientific capabilities through existing funds, such as the Assistance Fund under Part VII of the Agreement, bilateral assistance, regional fisheries management organizations and arrangements assistance funds, the FishCode programme, the World Bank's global programme on fisheries and the Global Environment Facility;

168. *Encourages* States to provide technical and financial support to developing countries to address their special requirements and challenges in implementing the Guidelines;

169. *Calls upon* States to promote, through continuing dialogue and the assistance and cooperation provided in accordance with articles 24 to 26 of the Agreement, further ratifications of or accessions to the Agreement by seeking to address, inter alia, the issue of lack of capacity and resources that might stand in the way of developing States becoming parties;

170. *Notes with appreciation* the compilation prepared by the Secretariat of the needs of developing States for capacity-building and assistance in the conservation and management of straddling fish stocks and highly migratory fish stocks and the sources of available assistance for developing States to address such needs;

171. *Encourages* States, regional fisheries management organizations and arrangements and other relevant bodies to assist developing States in the implementation of the actions called for in paragraphs 80 and 83 to 87 of resolution 61/105, paragraphs 113, 117 and 119 to 124 of resolution 64/72 and paragraphs 121, 126, 129, 130 and 132 to 134 of resolution 66/68;

172. *Urges* States and regional economic integration organizations, individually and through regional fisheries management organizations and arrangements, to mainstream efforts to assist developing States, in particular the least developed and small island developing States, with other relevant international development strategies with a view to enhancing international coordination to enable them to develop their national capacity to exploit fishery resources, consistent with the duty to ensure the conservation and management of those resources, and in this regard requests the Secretary-General to fully mobilize and coordinate the agencies, funds and programmes of the United Nations system, including at the level of the regional economic commissions, within their respective mandates;

173. *Requests* States and regional fisheries management organizations to develop strategies to further assist developing States, in particular the least developed and small island developing States, in fully realizing the benefits from the catch of straddling fish stocks and highly migratory fish stocks and in strengthening regional efforts to sustainably conserve and manage such stocks, and in this regard, to make available such information;

XII

Cooperation within the United Nations system

174. *Requests* the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and compliance capabilities for regional fisheries management organizations and their member States;

175. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on the implementation of the international plans of action and to report to the Secretary-General, for inclusion in his annual report on sustainable fisheries, on priorities for cooperation and coordination in this work;

XIII

Activities of the Division for Ocean Affairs and the Law of the Sea

176. *Expresses its appreciation* to the Secretary-General for the activities of the Division, which reflect the high standard of assistance provided to Member States by the Division;

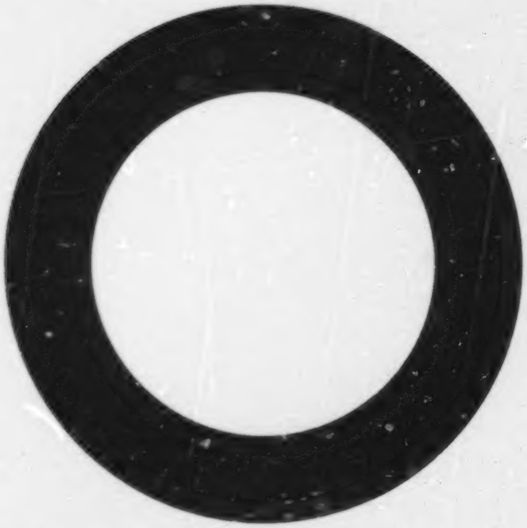
177. *Requests* the Secretary-General to continue to carry out the responsibilities and functions entrusted to him by the Convention, the Agreement and the related resolutions of the General Assembly and to ensure the allocation of appropriate resources to the Division for the performance of its activities under the approved budget for the Organization;

XIV
Sixty-ninth session of the General Assembly

178. *Requests* the Secretary-General to bring the present resolution to the attention of relevant intergovernmental organizations, the organizations and bodies of the United Nations system, subregional and regional fisheries management organizations and relevant non-governmental organizations;

179. *Notes* the desire to further improve the efficiency of and the effective participation of delegations in the informal consultations concerning the annual General Assembly resolution on sustainable fisheries, decides that the informal consultations on this resolution will be held in a single round of consultations in November for a period of six days, and invites States to submit proposals for inclusion in the text of the resolution to the Coordinator of the informal consultations no later than five weeks before the start of the consultations;

180. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "Oceans and the law of the sea", the sub-item entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", and to consider the possibility of including this sub-item in future provisional agendas on a biennial basis.



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Oceans and the law of the sea: sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Australia, Belgium, Canada, Cyprus, Greece, Iceland, Jamaica, Lithuania, Micronesia (Federated States of), Monaco, New Zealand, Norway, Portugal, Trinidad and Tobago and United States of America: draft resolution

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Barbados, Chile, Costa Rica, Denmark, Maldives, Montenegro, Nauru, Palau, Samoa, Slovenia, Tonga and Ukraine

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United Nations A/68/L.20

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Agenda item 9
Report of the Economic and Social Council

Fiji:* draft resolution

Graduation of countries from the least developed country category

The General Assembly,

Recalling Economic and Social Council resolution 2012/32 of 27 July 2012 on the report of the Committee for Development Policy on its fourteenth session,

Taking into account its resolutions 59/209 of 20 December 2004, 65/286 of 29 June 2011 and 67/221 of 21 December 2012 on a smooth transition for countries graduating from the list of least developed countries,

Recalling paragraph 10 of its resolution 67/221 of 21 December 2012, in which it decided to take note of the decisions of the Economic and Social Council regarding the graduation of countries from the least developed country category, as well as the inclusion of countries in that category, at the first session of the General Assembly following the adoption of the decisions,

Emphasizing that graduation from the least developed country category is a major milestone for the country involved as it means that significant progress has been made towards reaching at least some of its development goals,

1. *Reaffirms* that graduating from the category of least developed countries should not result in a disruption of development plans, programmes and projects;

2. *Takes note* of the decision of the Economic and Social Council to endorse the recommendation of the Committee for Development Policy that Equatorial Guinea be graduated from the category of least developed countries, and decides to provide Equatorial Guinea, on an exceptional basis, with an additional preparatory period of six months before the start of the three-year preparatory period leading to graduation;

3. *Invites* Equatorial Guinea to prepare, during the three and a half year period between the adoption of the present resolution and its graduation from the least developed country category, its national smooth-transition strategy, with the

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* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

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support of the United Nations system and in cooperation with its bilateral and multilateral development and trading partners;

4. *Takes note* of the decision of the Economic and Social Council to endorse the recommendation of the Committee for Development Policy that Vanuatu be graduated from the least developed country category, and decides to provide Vanuatu, on an exceptional basis, with an additional preparatory period of one year before the start of the three-year preparatory period leading to graduation;

5. *Invites* Vanuatu to prepare, during the four-year period between the adoption of the present resolution and its graduation from the least developed country category, its national smooth-transition strategy, with the support of the United Nations system and in cooperation with its bilateral and multilateral development and trading partners.